

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Tuesday, 26 September 2017
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:47] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:33:20] (Interpretation) Good morning,
15 everyone.
16 Good morning, Mr Witness.
17 WITNESS: CIV-OTP-P-0009 (On former oath)
18 (The witness speaks French)
19 THE WITNESS: [9:33:27](Interpretation) Good morning.
20 PRESIDING JUDGE TARFUSSER: [9:33:29] I give the floor immediately to the Office of
21 the Prosecutor for his questioning.
22 Mr MacDonald, the floor is yours.
23 MR MACDONALD: [9:33:42] Thank you, your Honour. I'll just quickly set up.
24 QUESTIONED BY MR MACDONALD: (Continuing) (Interpretation)
25 Q. [9:34:16] Good morning, Mr Mangou.

1 A. [9:34:19] Good morning, Mr Prosecutor.

2 Q. [9:34:25] Now, I'd like to ask you a question just to clear up one point. Yesterday
3 we ended the day and we were speaking about the discussion you had with the minister
4 of defence, Minister Dogou, I realise, and he contacted the president about the issue of
5 declaring Abobo to be a war zone. I refer to yesterday's transcript, page 102, French
6 version of the transcript, page 102. Now, the question is as follows:

7 When did this meeting occur with Minister Dogou, on what date?

8 A. [9:35:24] The meeting with Minister Alain Dogou was on 23 February 2011, just
9 before the second offensive. Indeed, in relation to what you have said, when I
10 learned -- well, when I reviewed the transcript, it said that I had spoken with the general
11 on 12 December. But no, that was not the date, that discussion with Colonel Sako.

12 Q. [9:36:01] What do you mean when you said that when you looked at the
13 transcript?

14 A. [9:36:07] Well, just before I came here, I reviewed the various statements that I
15 made. So the date indicated was 12 December, the date on which I had that discussion
16 with Sako. We did talk about that, but it was between ourselves with the minister -- well,
17 the discussion with the minister was just before the eve of the second offensive, and that
18 was on 24 February. It was on the eve of that second offensive, that is when I had the
19 discussion.

20 Q. [9:36:44] Just to clear up one point because this is something we're going to be
21 dealing with today, now, to your mind the first offensive began when, on what date?

22 A. [9:36:56] The first offensive began on the 22nd. We deemed that operations in
23 Abobo should be considered by the army as of the 22nd. So on 23 February 2011 we
24 began the first offensive.

25 MR MACDONALD: I'm sorry, your Honour. I'm not sure I got what --

1 Q. (Interpretation) Now, you see, both of us are speaking French right now. Let us
2 try to observe a pause between question and reply to avoid any overlapping because, you
3 see, otherwise the Chamber will not be able to follow what's being said.

4 A. [9:37:52] Very well.

5 Q. [9:38:01] Now, to your mind -- well, my question is this to you, sir, because, you
6 see, you used the word "second, second offensive" and you spoke about a first offensive.
7 Let's begin with the first offensive. On what date did that offensive begin? You just
8 said, you just said the end of February, I realise that, but just to be absolutely crystal clear
9 on this point.

10 A. [9:38:32] The first offensive began on 22 February.

11 Q. [9:38:41] And when did the second?

12 A. [9:38:45] The second began on 25 February, after the meeting with
13 President Gbagbo on 24 February.

14 Q. [9:39:01] And this meeting of 24 February that you had with the president, where
15 did it happen?

16 A. [9:39:09] It was held at the presidential palace. We reviewed a map of the zone so
17 that we could take stock of the situation for the benefit of the president of the republic.

18 Q. [9:39:26] Do you remember who was in attendance at this meeting?

19 A. [9:39:31] Yes. At the meeting the chief of general staff was present, General
20 Detoh Letho, the commander of the troops; General Aka Kadjó Marc from the airforce;
21 Admiral Vagba from the national navy; General Kassaraté from the national gendarmerie;
22 General Bredou M'Bia from the national police; General Touvolý Bi Zogbo, chief of staff,
23 personal chief of staff to the president; Dogbo Blé, commander of the Republican Guard
24 and the military commander of the palace.

25 There was also another number of other officers, Major Colonel Ahouma, head of

1 presidential security and the president's aide-de-camp, Commander Doua. There was
2 also the two ministers, namely, the minister of defence, Mr Alain Dogou, the minister of
3 the interior, Mr Émile Guiriéoulou.

4 Q. [9:40:53] Now, you didn't mention Mr Gbagbo, but obviously he was there?

5 THE INTERPRETER: [9:40:59] The witness: Laughter.

6 MR MACDONALD: [9:41:01] (Interpretation)

7 Q. [9:41:01] Were there any other civil authorities other than the two ministers you
8 mentioned?

9 A. [9:41:08] No, there were no other civilian authorities in attendance.

10 Q. [9:41:13] Could you tell us when the meeting occurred, exactly what time?

11 A. [9:41:22] It began at 1630 and ended at about 1800 hours or 1830.

12 Q. [9:41:34] Now, later on in the evening, did you go to the residence, the presidential
13 residence?

14 A. [9:41:47] I don't remember. No, I don't remember.

15 Q. [9:42:14] Mr Mangou, we'll return to the substance of that meeting, but I'd like to
16 continue much along the same line and I'd like to establish a timeline up until 11 April.
17 Now, we do know, and you made reference to this yesterday indirectly, you mentioned
18 yesterday, I refer to yesterday's transcript, the French transcript once again, RT page 31,
19 realtime transcript page 31, and I quote page 16:

20 "During the post-election crisis, I met on 11 March 2011, at around 1630 or 1700 hours the
21 president of the republic at the petite palais, at the presidential residence."

22 Can you explain to us the circumstances that led your meeting the president on that date?

23 A. [9:43:39] Thank you. Indeed, on 11 March 2011, at about 1630, I was at army
24 headquarters. The president of the republic placed a phone call and asked me to come
25 and see him. And when I went to -- when I got there, the president said this to me,

1 "General, you are" - and he used the informal form of address in French - "you are my
2 right-hand man, I trust you. I'm going to ask you a question, and give me the answer
3 and then you can go and wait at army headquarters. And after our discussion,
4 Blé Goudé will go and see you, and then come and see me after. So once the two of you
5 harmonise your views," the president of the republic said, "The international community
6 has just dropped me. The South African and the Angolan -- the president of Angola
7 have asked me to resign. What do you think?"
8 And I jumped on the opportunity, I said, "Mr President, resign, resign. And this will be a
9 sign of honour towards those two presidents. If you truly believe that you have won the
10 election and that the international community is giving you a hard time, you will see, after
11 five years you will return and it will be a plebiscite. There are too many people who
12 have lost their lives, and you are running out of ammunition and weapons. For the last
13 eight months we have received nothing. So I am asking you to resign."
14 I said to him, "Mr President, you see, the struggle -- well, before resigning, before
15 resigning, go and see your brother Alassane Ouattara. Talk to him about the
16 arrangements for your departure. And we, we are with you, we support you, we shall
17 not forget you, there are many of us."
18 And the president himself said, "Oh, yes, there are many of you."
19 And I said to him, "Mr President, this will enhance your standing." And I went on to say,
20 "You see, the struggle that we have been engaged in since the year 2002, up until the time
21 of the first round of elections and, you see, these two situations are not the same.
22 In 2002, when Côte d'Ivoire came under attack, all the people of Côte d'Ivoire were
23 involved. They took to the streets. We were on the frontlines. And we harmonised our
24 efforts and we were able to get to the first round of elections. We were the envy of the
25 international community.

1 But now with this situation, you are two local people, sons of the country, so to speak, you
2 have gone to an election. And we the soldiers, we have voted. And myself, as the chief
3 of general staff of all the armed forces, I cannot ask the people who voted for President
4 Alassane Ouattara to fight to keep you in power."

5 And the example that I gave to encourage the president to resign was the example of the
6 two women in the Bible who were both laying claim to the same baby and went to see
7 King Solomon I believe it was for him to deal with the problem. And when I had
8 finished he said, "Okay, I've understood. Don't talk about this with anyone."

9 So I went to the headquarters and, indeed, at 1930, I am speaking to the Court right now
10 but also to the lord, at that time, 1930, Blé Goudé arrived. He and I would often refer to
11 one another as brother, and so I said to him, "My brother" -- we were sitting down on the
12 sofa in my office. And I remember, he was on the left -- correction, I was on the left, he
13 was on the right. And I said, "What," I said to him, "What did you talk to the president
14 about?"

15 And he said the resignation, and he said he has to resign.

16 And I said "Very well."

17 And the two of us were seated, we began to chat, and Blé Goudé said, "My brother, if our
18 brothers to the north arrive, even with the flag, this is going to be tough for us, we have no
19 ammunition, no weapons. If they are kind, they will put us in prison. If they're not so
20 kind, we will both be killed." And that was true, I acknowledged that. We didn't have
21 weapons or ammunition.

22 And I said, "Let's go see the president."

23 And he said, "No, no, no, no. You are the chief of general staff. You go see him."

24 And already I sensed that something was brewing. And when I went home, I told my
25 wife the story, and she said, "No, you must go see the president."

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1 I called the president, and he said, "Very well. Come and see me at 2330."

2 At that time I went to the president's home. And there he was, he was at his table
3 working, a small round table, and I sat opposite him. I said to him, "Mr President,
4 Blé Goudé has come to see me, and we have come to an agreement, and we encourage
5 you to resign."

6 He said to me, "Okay. Don't talk to anyone about this."

7 Four days later, and once again, I do want to set the record straight. I must have been
8 mistaken about the date, the attack of -- on the residence, but I remember seeing a
9 newspaper and indeed it was 14 March. I apologise for that error.

10 Q. [9:51:19] I'm interrupting you, and not to worry, we will set the record straight
11 when it comes to the date. Don't worry about the dates. If we could just focus on the
12 substance.

13 PRESIDING JUDGE TARFUSSER: [9:51:37] Okay, go ahead, please. Thank you.

14 THE WITNESS: [9:51:40](Interpretation) Thank you. Thank you, Mr President.

15 Four days later, namely, on 14 March 2011, at 6:30 a.m, I was taking my shower before
16 going to work, and my wife came and said to me, "We have come under attack."

17 And I said, "No, no, no, those are my soldiers." You see, my house is not very far away
18 from the MACA. "It must be soldiers from the MACA shooting."

19 And she said, "No, the shooting is coming -- the gunfire is coming closer."

20 I took my towel, I wrapped it around my waist; I took my walkie-talkie, and I called my
21 bodyguards, who confirmed that we were being attacked.

22 You must realise that the day before the attack, one young fellow came by and said,
23 "Apparently, Gbagbo's going, so you'll have to -- you'll be going out of here in a coffin.
24 So what you have to do is" -- well, they were wearing these red bands. They were in a
25 taxi, and it was Kalashnikovs being fired, and RPGs shooting at us.

1 My house is just before the Banco forest. They went into the forest; they came back out.
2 And I had my position. And you see, in light of the intelligence, I had become the chief
3 of operations during this attack upon my own residence.
4 We put the children in the bedroom. My wife was on the bed, and I found -- I -- my wife
5 was in all her glory. She was calm. She was kneeling at the bed with her Bible.
6 And CECOS had learned that my residence had come under attack. They sent over a
7 vehicle. Unfortunately, when those people got there, one CECOS soldier was killed, and
8 it is because of him that I feel so emotional because -- well, before, I didn't know him. I
9 wasn't even able to go to his funeral. I wasn't even able to speak to his family. And
10 each time I think about this, it's very painful.
11 So that was what we went through until 12:30. The shooting came to an end, and Konan
12 visited. And, you see, he went from Yamoussoukro to Abidjan to provide me support,
13 and then two journalists came to see me, Mr Krasso (phon) and Mr Sivori (phon). I
14 believe they were from La Voix newspaper. They came for an interview. I remained
15 calm. I tried to downplay the importance of the attack. I said that I was there and I was
16 ready to resume duty.
17 I then went to work because that day, you see, well, I went to work unprepared, and I
18 realised that I needed to report to the president of the republic and tell him what had
19 happened to my family.
20 That evening I went and I said, "Mr President, my residence was attacked." And not
21 even a single word of compassion from my boss. He didn't even ask for news about his
22 daughter, that is to say, the woman who he usually referred to as his daughter, namely,
23 my wife.
24 He just said to me, "I do have an idea about what's happened here." I did not have the
25 courage to ask him what he thought was going on.

1 I went back out. And the next day I went to work, and Admiral Vagba came to see me.
2 So, once again, we were talking about the problems of ammunition, shortage of weapons.
3 And I said to him, "Admiral, I had a chat with the president. He asked me not to talk to
4 anyone about it, but given your relationship and since you're so close, I'm going to tell
5 you what I talked to the president about. And the president said to me that the
6 international community had abandoned him. He asked me for my opinion and I
7 encouraged him to resign."
8 The admiral laughed and he said, "You think he's going to resign? If you are frank and
9 loyal" -- and then I realised, I realised that it had been a test. And myself, I analysed the
10 situation in my own mind, and I said that has to be true because if he was taking this
11 seriously, he would have received me at the same time as Blé Goudé.
12 So first of all, he talked to me, because already in February, you see, in February, the
13 minister Alain Dogou, on his way to a meeting -- well, the first lady, every evening at
14 19.30 she would have a meeting at the presidential palace. And going to one of these
15 meetings, Alain Dogou, who was in a very, in a very bad way because of the lack of
16 ammunition, the lack of weapons, said to me, "General, I'm going to the meeting; what am
17 I going to say?"
18 And I said to him, "Mr Minister, ask President Gbagbo to resign."
19 And the same minister, that same minister, when I saw him leaving, the president -- on 11
20 April I called him and I said to him, "Mr Minister, do you want this to be the image that
21 we show the international community?"
22 And he just said to me, "General, what you have asked me to go and say, I went to say
23 that to the FPI, and they put me in quarantine, so to speak, and I didn't have the courage
24 to go back."
25 So I'm telling you this because the president could have received me with Blé Goudé and

1 informed of my opinion. Well, you see, they wanted to find out whether I was honest
2 and loyal.

3 And when Blé Goudé arrived at the headquarters, it was, in a way, to give me the kiss of
4 death.

5 And you see, I had advised the president to resign, so that is what I can tell you about this
6 meeting of 11 March 2011, at 16.30.

7 MR MACDONALD: [10:00:10] If you allow me a few seconds for the interpreters
8 maybe to regroup. It was a long exposé.

9 Q. [10:00:33] (Interpretation) So you made mention of this yesterday. The panel of
10 chiefs of states announced its decision to support Mr Ouattara as president, or to
11 acknowledge him as being president, and it was on the day after that that you had the
12 discussion with the president and Mr Blé Goudé.

13 A. [10:01:02] The panel of heads of state was still in Ethiopia at the time because their
14 meeting had commenced on the 10th. And certainly, because they were talking about
15 the Angolan and South African presidents, those gentlemen were certainly there and they
16 must have known what was going to be said. They called me to ask him to resign,
17 otherwise, the panel itself was still in Ethiopia.

18 Q. [10:01:46] And what was said at that moment in time subsequent to the decision of
19 the panel with regard to the -- on the RTI, that is, and also with regard to the discussion
20 that you had with Mr Gbagbo when you suggested to him that he resign.

21 A. [10:02:07] I didn't understand the question with regard to the RTI. What did you
22 say about the RTI?

23 Q. [10:02:13] Yes, indeed, my question wasn't very clear because I'm trying to avoid
24 being suggestive in any way. Was the subject of Mr Gbagbo's resignation broached in
25 anyway on the RTI?

1 A. [10:02:30] Indeed, after having had the conversation with the president of the
2 republic, after the attack upon my residence, every evening on the television there was a
3 rolling script, saying that the head of state was going to address the nation.
4 When I saw that, I was happy, because I said to my wife, "Well, here we are; he's finally
5 going to make his statement."
6 Unfortunately, there was no such declaration made.

7 Q. [10:03:32] Very well. I would now like to continue, and I would like for us to go
8 now to the end of the month of March. Did you leave your post as chief of staff?

9 A. [10:03:54] Yes. I left the residence on 30 March in the company of my entire
10 family at approximately 10.30 p.m.

11 Q. [10:04:13] Where did you go?

12 A. [10:04:18] When I left my residence, you will understand of course, after
13 everything that had just happened, I had understood that I was between a rock and a hard
14 place, between my own camp that was rejecting me, thinking that I was betraying them,
15 and the other brothers that were to come in, or on their way in.

16 So I had a second residence in Cocody, and it was my wife who said to me, "No, let's go to
17 an embassy." And I think she was right. She was right.

18 And that is why, in those moments of doubt, and those terrible moments, it's a very good
19 thing to listen to your spouse because I would have stayed otherwise in that secondary
20 residence. We would have stayed there and people would have said that Mangou would
21 have continued to command his troops and give instructions to them.

22 However, when I went to the embassy, my cellphones were taken away from me, my
23 weapon was taken away from me, as was my ammunition, and I was cut off from any
24 form of conversation whatsoever.

25 So I was at the South African embassy.

1 Q. [10:05:53] How long did you stay at the embassy?

2 A. [10:05:57] I remained at the South African embassy -- well, we arrived there on the
3 30th. On the 30th, when I arrived, we arrived at 10 p.m., the ambassador, madam
4 ambassador received us, and it was on the next day that she came to seek news and tried
5 to find out what the purpose of our visit was.

6 When I told her the purpose of our visit, she said, "Very well." And she said that she
7 needed to report back to her government.

8 I said, "I have no problem with that."

9 So in the note verbale that she drafted, she thereby informed the President

10 Laurent Gbagbo, President Alassane Ouattara, the UN, the African Union, her
11 government and the BBC. And it was the BBC that gave over the information and
12 released the information to all the various press organs.

13 And when I saw that, I said to madam ambassador that I wanted to make a request with a
14 view to seeking exile elsewhere. And she said, "Well, that's another procedure entirely"
15 and that that needed to be put into play and she needed to see whether her government
16 was in agreement.

17 So on the 30th and on the 1st and 2nd April -- well, on 3rd April, madam ambassador in
18 the morning before midday announced to us that we had been granted exile. So we
19 packed up, we changed the registration plate of my vehicle, we put a CD plate on it, and
20 we were at the ready to leave, because she was communicating with the commanders of
21 the impartial or unbiased forces to see when the fighting was going to die down.

22 And there was even a military plane, a South African military plane that had gone to
23 Ghana and was waiting to land in Abidjan, because the embassy personnel was due to
24 depart at the same time as us.

25 And in the afternoon, madam ambassador said to me that President Alassane Ouattara

1 wanted to talk to me. I was a little taken aback, and she said -- I said, "Me?"
2 She said, "Yes."
3 And I said, "You're saying that he wants to me to speak me. Why would I refuse to speak
4 to him?"
5 And that is then that she put on the speaker, and huddled around the telephone was
6 madam ambassador, my spouse and myself.
7 And when the president came on the line, he said, "My general, dear brother, hello. How
8 are you?"
9 And I said, "I'm fine, Mr President."
10 "And Madam Mangou, my sister, how is she?"
11 And I said, "She's fine, Mr President."
12 And then the President Alassane said the following to me, "My general, I know that you
13 are being listened to by your men, I know that your men listen to you. Too many people
14 have died, and this is not what I want. I am requesting of you that you come to the TCI
15 set, television set to request that there be a ceasefire."
16 And I said, "Well, Mr President, I am willing to request a ceasefire, but you know that I
17 am not in command of anything at this present moment in time. And you know that if I
18 leave the embassy, I am running the risk of placing the lives of myself and my family in
19 danger."
20 And he said, "Well, well."
21 And I said, "Mr President, I suggest to you that we do that at the RTI television channel
22 with the four commanders present, General Palasset, the commander of Licorne; General
23 Bakayoko commanding the republic forces of Côte d'Ivoire; myself and General Béréna
24 commanding UNOCI."
25 And the president said to me, "All right, do so. I would be very grateful to you."

1 And that is the conversation that I had with President Alassane, subsequent to which my
2 spouse and myself withdrew, and my wife said to me, "Well, is it worth our while going
3 into exile?"

4 And I said, "What do you mean? Our things are all ready. We're just about to leave.
5 Why are you asking me that?"

6 And she said, "Well, if we leave, where are the kids going to go to school? Where are we
7 going to go? How are we going to feed ourselves? And you've just said to
8 President Alassane that you're going to be requesting a ceasefire. So request the ceasefire
9 and then we'll see what happens. I don't think we need to leave."

10 So we talked and talked and then she managed to convince me. And I went back to talk
11 to madam ambassador, and I said to her, "Well, ma'am, I believe that we are not going to
12 go into exile. We're going to remain. We're going to stay."

13 And she said, "Oh, well, general, I can't let you leave. You know that my government
14 has been informed, and if something happens to you, I am responsible."

15 So she wanted to scare me a little bit, and she said, "Do you know that France has
16 reinforced its presence?"

17 And I said, "Yes, of course. When there's a crisis, they were going to reinforce their
18 troops. All, everyone has been informed that they're going to bomb the palace. And
19 even if they have to kill President Gbagbo, they have decided to get rid of him."

20 And I said, "Yes, madam ambassador, I do know that. I am aware of that. I am a
21 military man. And what is more, I am a Christian. If something happens to me, it won't
22 be your responsibility. I take full responsibility. But we want to leave."

23 And she signed a waiver and requested that I sign it, and I did. And I asked the major to
24 come and get us. And we left there on 3 April 2011 at approximately 4/4.30 p.m.

25 Q. [10:14:13] So you contacted General Vagba, did you?

- 1 A. [10:14:19] No, not General Vagba, no. Captain Konan, Captain Konan.
- 2 But I would like to remind you that I went there on the 30th, and on the 31st -- I don't
- 3 know whether there are 30 or 31 days in that month. Anyway, on the next day I
- 4 requested the authorisation of the ambassador, madam ambassador to allow me to call
- 5 President Gbagbo to once again belabour the point for him to submit his resignation.
- 6 She authorised me to call President Gbagbo. And I had him on the line. I'm sure that he
- 7 was in the company of visitors, and he said, "Well, where are you?"
- 8 And I said, "Mr President, I am at the South African embassy."
- 9 And he said, "Well, okay, okay, I'll send someone to you." And that's indeed what he
- 10 did, he sent his chef de cabinet, Mr Kuya Narcisse, in the company of four gendarmes. I
- 11 was sitting down, I could see them out of the window. And when madam ambassador
- 12 saw that, she refused access to Mr Kuya in the company of the gendarmes.
- 13 And I said, "Well, would you allow me to call, to make a call to ask the reason for his
- 14 visit?"
- 15 And I called and Mr Kuya said to me, "Well, the president told me to come."
- 16 And I said, "Well, if that's the case, then forget it."
- 17 Q. So Commander Konan Boniface came to get you on the 3rd. Were there any
- 18 particular arrangements that were put in place to ensure your security at the time?
- 19 A. [10:16:26] I would admit that in the heat of the moment we don't really think about
- 20 that, and it was once I had a little bit of distance that I realised that I could have put an
- 21 end to my life had I followed that path. But I did trust Konan. Konan, when I was the
- 22 commander of the theatre of operations, we worked together. He's a younger brother to
- 23 me, and his mother received us in his village to --
- 24 Q. [10:17:03] I'm sorry to interrupt. So you did trust Mr Boniface?
- 25 THE INTERPRETER: Overlapping speakers.

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- 1 MR GBOUGNON: [10:17:16] (Interpretation) Mr President.
- 2 PRESIDING JUDGE TARFUSSER: [10:17:19] Tell me please, Maître Gbougnon.
- 3 MR GBOUGNON: [10:17:30] (Interpretation) Mr President, the Prosecutor can't
- 4 choose to interrupt the witness when --
- 5 PRESIDING JUDGE TARFUSSER: [10:17:36] No. The Prosecutor -- no, no. The
- 6 Prosecutor can choose to interrupt the witness to make other questions. But I think the
- 7 witness is speaking freely and saying what he wants to say. I think that this witness is
- 8 perfectly able to say everything and I invite him to say everything he thinks is needed to
- 9 clarify what he wants to clarify. So I really think it's not -- we are not in front of a
- 10 witness who can be interrupted by the Prosecutor, I think, if he wants to say something.
- 11 MR GBOUGNON: [10:18:16] (Interpretation) Mr President, I'm really going to insist
- 12 upon this, because this is a comment I've made on a number of occasions. I'm not going
- 13 to come back to it because the witness is here. Something very interesting was being said
- 14 yesterday about transmission, and something very interesting was being said when he
- 15 was interrupted. This is a very important witness and, Mr President, I have noticed that
- 16 whenever he's saying certain things, he's interrupted and the person chooses to interrupt
- 17 him at such moments.
- 18 PRESIDING JUDGE TARFUSSER: [10:18:45] No, I don't think you're right. I think
- 19 this is wrong. The witness is saying what he wants to say. Again, I invite the witness to
- 20 say what he wants to say.
- 21 And I give back the floor to the Office of the Prosecutor.
- 22 We all realise that the witness is an importance witness, Maître Gbougnon, and so that he
- 23 is saying what he thinks is important to say.
- 24 Please, Mr Prosecutor.
- 25 MR MACDONALD: [10:19:17] Thank you, your Honour.

1 Q. [10:19:33] (Interpretation) So somebody came to get you, and what did you do?

2 Where did you go?

3 A. [10:19:37] So Konan came to get me, and the first thing I did was drop my wife and
4 children off at the residence of Mathieu Ekra, the mediator, the reason being, the simple
5 reason being is that the wife of the mediator is the godmother of my wife. So I dropped
6 her off there with the children, and I went to my official residence in Cocody that had just
7 been looted. There was gunshot willy-nilly.

8 And, ironically, fate would have it that I was welcomed there by my spokesperson, who
9 said, "Be careful, be very careful, because there are snipers. There are snipers up on the
10 roofs, so be very careful. I just wanted to draw your attention."

11 And that is how my spokesperson actually lost his life, because he was attacked or shot at
12 by an elite sniper.

13 And when I arrived I thought to myself, well, I need to go to Laurent Gbagbo's residence
14 to tell him what I have heard at the embassy and to try once again to convince him to
15 resign.

16 So I took my vehicle, and my guards who were present said, "No, call Dogbo for him to
17 come in a civilian car for you to go there. And I thought about it. I could see that they
18 were right.

19 So I called him, we then went off in a civilian car, and we went to President
20 Laurent Gbagbo. I didn't yet realise the danger afoot.

21 We left, and in front of the residence there were tanks, there were soldiers, and we gained
22 access. And it was when we were gaining access that I thought to myself, oh, my word,
23 what have I -- what am I doing here? Because there was a throng of people. And in my
24 mind, in view of the situation prevailing, I was going to meet President Gbagbo. That
25 was my intention, to talk to him calmly, but there were so many people, but I was there

1 and I couldn't turn around.

2 So I arrived. I was led through a security doorway. I was searched, and then I was

3 asked to sit down. I saw the chef de cabinet of Mr Laurent Gbagbo wearing a frag jacket,

4 and his protocol director, Aboubakar, who was also sporting a frag jacket, who came and

5 wound me up by saying that the general has become an ambassador and the ambassador

6 has become a soldier, with a view to saying, well, I'm a general, I went to the embassy,

7 and he who is an ambassador is wearing a frag jacket and he's become a soldier.

8 So, you know, one should not make fun of God's children because God has had it that as

9 God inspired President Ouattara. He became an ambassador and as an ambassador he

10 was wearing military uniform. And he said no to everything that was going on in

11 Côte d'Ivoire. So one should not make fun of God's children.

12 I waited and President Gbagbo came out. And when he came, I went up to him and he

13 tapped me on the shoulder and he said, "Well, where were you?"

14 And I said, "Well, President, I've just left the embassy, but I would admit that they were

15 confident because there was an attack upon the palace that was repelled and they were

16 confident."

17 In view of the atmosphere, I did not have the courage to say to President Gbagbo what I

18 had heard and the reason why I had travelled to his residence, because I thought to myself,

19 well, by dint of having just suggested to the president that he resign my life was

20 threatened. So if I now say to the president who is confident that what I've just seen,

21 then I wondered how I was going to get out of it. So I didn't say a thing to him.

22 However, when he saw me he said, "Well, call the officers."

23 And Konan came, Gouanou came, all the officers who were fighting came, and we held a

24 session, a meeting, where the president said, "Right, you need to resume fighting.

25 General Mangou is here, you need to get back to fighting."

1 And at the end of the meeting, as God would have his way, he called me into a corner and
2 he said -- we were already the 3rd, Sunday, the 3rd, he said, "General, I shall meet with
3 you on Monday."

4 When I left or came out -- when I came out, there was a journalist from a Côte d'Ivoire
5 radio station who approached me, and I could see everyone standing there in the
6 courtyard and they all gathered around. I didn't let them get the better of me, and I said,
7 "Did I return for us to resume fighting?" And I said, "Yes, we intend to resume fighting
8 where we left off."

9 And Mr Bertin Kadet, who was present, said to me, "General, all right then, off you go, we
10 shall send the press to you. You need to make a statement."

11 So I got into the vehicle, we left. I arrived at my residence and the press was there,
12 surrounded by Konan, Vagba, Dogou and other officers, and I did then indeed make a
13 statement. And I even told off those people and their behaviour, those people who were
14 at the Golf. And so they really were sure that I'd made the correct statement.

15 And, luckily, when I had finished, the press service that arrived -- this was the press
16 service of the army led up by Colonel Abina. Subsequent to which I called Abina to one
17 side and I said to him, "Colonel, please, do not let that statement out, do not release it."
18 And as God would have it, Abina followed my instructions and that statement was never
19 released over the RTI.

20 Q. [10:28:22] We shall continue with the aftermath, but let's come back somewhat. I
21 would like to call up a video, CIV-OTP-0047-0817. We shall be showing it from the
22 beginning until minute 3.06. And there is also a transcript, CIV-OTP-0049-2838, and
23 these are lines 1 to 57. The date, if you like, will be borne out in the utterances in the
24 video.

25 Now, I would just like to make sure that there is coordination between the interpreters,

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1 the transcript.

2 THE INTERPRETER: [10:29:47] Message from the interpreter. Could we have the
3 number of the transcript, please, in the binder. The tab binder would help us.

4 PRESIDING JUDGE TARFUSSER: [10:29:54] The top binder, the number. In the
5 binder and then we'd like to have --

6 MR MACDONALD: [10:30:00] Yes, sorry.

7 THE COURT OFFICER: [10:30:02] 260.

8 MR MACDONALD: 260. Thank you.

9 THE COURT OFFICER: And the Prosecution has the floor evidence channel 2.

10 MR MACDONALD: [10:30:24] (Interpretation)

11 Q. [10:30:25] Please view the video and then I'll be putting a number of questions to
12 you after, Mr Witness.

13 THE INTERPRETER: [10:30:36] Message from the English booth: We have looked
14 through the binder and there is no such tab marked 260.

15 Message from the English booth: There is evidence number 260 on the list, but no such
16 tab. Could we please be given the tab number. Thank you.

17 THE COURT OFFICER: [10:31:18] The tab is 260, so the ERN number is 0047-0817.
18 The tab number is 260.

19 THE INTERPRETER: [10:31:38] Message from the English booth: In neither of the
20 booths do we have tab number 260. It does not exist.

21 PRESIDING JUDGE TARFUSSER: [10:31:45] Tab 260 does not exist. But I do not
22 understand why we have always these problems with transcripts.

23 Please, court usher, could you -- there is a ...

24 We are bringing now a hard copy. Thank you.

25 THE INTERPRETER: Message from the interpreters: We have found the transcript.

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1 MR MACDONALD: [10:33:20] Your Honours, we obviously have a technical problem
2 beyond the transcript. There is no sound coming out of our system from our side, which
3 was working this morning.

4 An alternative is if the Registry could play the same video, if it's possible, from the start,
5 and I'll tell you when to stop. I think it stops at the end.

6 PRESIDING JUDGE TARFUSSER: [10:33:43] Because then the sound is coming from
7 this side.

8 MR MACDONALD: [10:33:45] That's right. It's going to come from the -- if that's
9 possible.

10 PRESIDING JUDGE TARFUSSER: [10:33:52] Yes, yes, of course, I would say it is
11 possible. I think the Registry knows that she has to go until 3.06. So it shouldn't be a
12 problem.

13 THE COURT OFFICER: [10:35:32] Timestamp will be from the beginning of the video.
14 (Viewing of the video excerpt)

15 THE INTERPRETER: [10:35:42] Sight translation. (Interpretation of the video excerpt)

16 If, if there is an embargo, the Defence and Security Forces of Côte d'Ivoire is thus in their
17 hand. Philippe Mangou, who has taken refuge in the South African embassy, or perhaps
18 he may be fleeing, General Mangou, chief of staff of Côte d'Ivoire, is indeed at his post.

19 Last night he was received by the head of state, President Laurent Gbagbo. Philippe
20 Mangou was with Generals Édouard Tiapé Kassaraté, superior command of the national
21 gendarmerie; Dogbo Blé, commander of the Republican Guard; Vagba Faussignaux,
22 commander of the national navy; Colonel Major Boniface Konan, commander of the
23 theatre of operations; and Lieutenant Colonel Alphonse Gouanou.

24 Now, those who thought that the senior officers of the Defence and Security Forces had
25 been decapitated, well, the army is still standing together, standing behind the president

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1 of the republic, President Laurent Gbagbo, who is still firmly holding the rudder of the
2 ship.

3 Hour after hour he continues to monitor the heroic resistance of the people of Côte
4 d'Ivoire and the Defence and Security Forces, the Defence and Security Forces that have
5 been mobilised for the liberation of Côte d'Ivoire. We now hear from Lieutenant Colonel
6 Alphonse Gouanou.

7 MR MACDONALD: [10:38:40] Thank you.

8 THE INTERPRETER: [10:38:53] Message from the interpreter: Is sight translation
9 required --

10 MR MACDONALD: I was asking my colleague --

11 THE INTERPRETER: Is sight translation required further?

12 PRESIDING JUDGE TARFUSSER: Was everything translated which was in the video
13 shown?

14 THE INTERPRETER: Message from the interpreter: If Prosecution could kindly tell us
15 how far we should go along?

16 PRESIDING JUDGE TARFUSSER: [10:39:26] Can you tell us the line where, from line 1
17 to line, you said?

18 MR MACDONALD: [10:39:32] It's from --

19 PRESIDING JUDGE TARFUSSER: [10:39:33] Line 1 to?

20 MR MACDONALD: It's from line 1 to 57.

21 PRESIDING JUDGE TARFUSSER: 57.

22 MR MACDONALD: Which can be added, your Honour, maybe later on.

23 PRESIDING JUDGE TARFUSSER: [10:39:40] Yes, yes, of course. Is it okay now?

24 Okay.

25 Please go ahead with the questioning.

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1 MR MACDONALD: [10:39:47] Thank you.

2 Q. [10:39:59] (Interpretation) Sir, do you recognise the footage?

3 A. [10:40:02] Yes.

4 Q. [10:40:02] Is that the same meeting, the meeting you were referring to earlier?

5 A. [10:40:06] Yes, indeed.

6 Q. [10:40:07] Very well. I interrupted you a few moments ago. Now, do you
7 remember you were talking about being at the residence, and you asked that the
8 statement not be broadcast on the RTI. What happened?

9 A. [10:40:29] I asked that the statement not be broadcast on the RTI. So I stayed with
10 the officers. And at about 2000 hours my wife called me and she said to me that the
11 mediator was ill, and people know that we've left. People mustn't come to the house.
12 That is going to disturb the family. So come and fetch them.

13 So I went to the residence. I fetched my wife. And the mediator's wife was opposed
14 saying, well, there was, to summarise, there was some discord.

15 And so I said: Well, I have another residence, we will go there.

16 Q. [10:41:30] Well, if we could just finish with this particular topic. Now, just one
17 detail if that is possible.

18 A. [10:41:39] May I continue?

19 Q. [10:41:40] Yes. If you could just please focus on the essential points.

20 A. [10:41:45] I went to fetch my wife, and there was firing everywhere, dead bodies
21 on the ground, roadblocks. We got there, and the two entrances were blocked. I took
22 up a weapon. And my aide-de-camp removed the bricks that were blocking the entrances,
23 we drove through and I was able to ultimately enter the residence. And from there, the
24 residence, that is where I stayed. I did not go out until 9 April, thanks to God, 9 April.

25 Q. [10:42:39] We will be getting to 9 April, yes.

1 Now, I'd like us to go back to your presence at the residence, the night of the 3rd and the
2 4th. Now, you say there were a great many people. What kind of people? Please
3 describe what you saw. You mentioned in your testimony earlier that they were in the
4 residence. Are you talking about the building itself or the compound, the grounds?
5 Please give us more context so we can understand what you saw.

6 A. [10:43:28] Those people who I saw vaguely were in the yard. There were many
7 people. I recognised ministers, President Laurent Gbagbo, many people. It was in the
8 yard, the courtyard.

9 Q. [10:43:53] And what were they wearing, these armed men?

10 A. [10:43:59] The people in the yard were not wearing uniforms, they were civilians.

11 Q. [10:44:08] And outside who was standing guard at the --

12 A. [10:44:12] Well, we went through very quickly. I just saw a few soldiers wearing
13 rather scruffy clothing, that's all really. General Kassaraté arrived, he was heckled. But
14 we just went through and we went in.

15 Along the way, on the way back, on the way back, that is when I saw five personnel
16 carriers, and they were not marked, and they were full, I wouldn't even say with soldiers,
17 with mercenaries, mercenaries. Let me be very clear, mercenaries.

18 And they were led by Commander Séka Séka, Séka Séka because, you see, during this
19 crisis, I don't know exactly why, you see, there had been the 10 years leading up to this
20 crisis and during that, those 10 years of crisis, three years in the theatre of operations, as a
21 field commander in the area, I had been on many tours, I had gone to the smallest little
22 hamlets where our men were stationed, and I knew -- I know them, not necessarily their
23 names, but their faces, I know the attitude demonstrated by our soldiers, even as head of
24 chief of staff, when I -- and the people I saw were not our soldiers.

25 They were wearing all kinds of things, chains slung around their shoulders, all kinds of

1 bizarre uniforms and other items of clothing led by Séka Séka and, well, you know, and
2 during -- usually this person did not have troops. And now all of a sudden this fellow,
3 the aide-de-camp of the first lady, and what is more, well, I looked, and I can say they
4 were mercenaries. They were not soldiers of Côte d'Ivoire.

5 Q. [10:47:05] Were they well-armed?

6 A. [10:47:12] Extremely well-armed. And I even asked myself, we have been asking
7 for ammunitions, at each and every meeting we ask President Gbagbo for weapons and
8 ammunition. At a meeting he got worked up himself and he said, "I don't understand,
9 Mr Minister, how can it be that I have provided 5.2 billion and I've received nothing?"

10 Kadet Bertin was --

11 Q. [10:47:50] We will be getting back to that, I assure you of that. But let us go back
12 to this point about these men being extremely well armed. Could you describe the
13 weapons?

14 A. [10:48:03] They had Kalashnikovs, RPGs, even handguns. But yes, they were
15 armed to such a point that I said to myself: Oh, when did the ammunition arrive?
16 Because, you see, I was chief of general staff, we had been requesting ammunition, and we
17 had received no ammunition up until the end of the crisis.

18 And so, you see, that's the point, you asked me, you asked me, and perhaps it was a bit
19 leading, but I'm giving you the answer, Anonkoua-Kouté. You asked me about a village,
20 and you said -- and I said it was an Ébrié village. You asked me what my ethnicity was,
21 and I said I was Ébrié. And you asked me -- well, I'm giving you your answer.

22 You see, we were short of ammunition. And I do hope that the people have understood,
23 because their village leader himself, commissioner of his state, was at the operational post.
24 So they were very much aware of the ammunition problem.

25 If you give me the floor, I can tell you, I can tell you exactly what the status of the army

1 was and the conditions that we were fighting under, because some people who know
2 nothing about the situation have called us fearful traitors. And I tell you, we truly fought
3 for the republic. And I am ready because, you see, I have come here, and I know I am a
4 major Prosecution witness. I have a duty to tell the truth to the international community
5 about everything that happened. So all this information I will give you, and you will
6 hear exactly what the situation was for our armed forces and the situation, the conditions
7 in which we had to fight.

8 Q. [10:50:37] What did you do -- well, if we could continue with your account. And
9 let's talk about April. You're at home all that time, what did you do at your residence?

10 A. [10:50:54] I was with my family. I asked everyone to cut off the telephone, not to
11 communicate with anyone, because we knew what we could get with the telephone. So
12 from time to time, we would listen to the news. Myself, I had my telephone on, but I
13 asked my children and my wife to cut off all communications, particularly the children,
14 no telephone. And that way -- well, they might have received -- you see, even if they had
15 received a call from one of their friends, then they would have known where we were, so
16 no telephone.

17 Q. [10:51:46] A few moments ago you said that you left -- rather, you stayed at your
18 residence until the 9th. What happened?

19 A. [10:52:09] On the 9th in the morning, about 9:30 or 10 in the morning, Captain
20 Konan called me on an emergency basis, Captain Konan. And he said, "General, General,
21 we need you. We need your expertise."

22 And I said, "What's going on?"

23 And he said to me, "The palace, if you don't do anything, President Gbagbo may be killed.
24 They are closing in on the palace."

25 And I said, "What are you doing; you're fighting?"

1 And he said, "Our men have thrown their weapons into the lagoon, and I have crossed
2 over. I am -- I'm on the other side, at Locodjoro."
3 And I said to him, "What do you mean, you need my expertise? What are you saying?"
4 And he said, "General, to ask for a ceasefire."
5 And I said, "Well, if it's to ask for a ceasefire, you're the ones that are fighting; you can ask
6 for a ceasefire."
7 And he said, "No, General, you, you are the one in the habit of or used to working with
8 the commanders of the impartial forces. If you ask, there will be a ceasefire, but if we ask,
9 no, they won't agree."
10 And once again, God was at work; I can tell you that. The promise I made to President
11 Alassane to ask for a ceasefire came back to me. And I jumped on the opportunity. And
12 the first person I called was the Prime Minister Soro Guillaume.
13 I said to him, "Mr Prime Minister, we are asking for a ceasefire and we are asking for a
14 halt to the fighting."
15 And he said, "No, there's no problem with that in general. We will cease combat."
16 Now, the second person I called, Mr Kadet Bertin, I said to him, "Mr Minister, we are
17 going to ask for a ceasefire, and he said, yes, agreed; ask for a ceasefire. But during the
18 discussion, see to it that President Gbagbo doesn't go outside. He has to stay in Mama."
19 And I said, "Okay, that is what we will ask for during the discussion."
20 The third person I called was Dogbo. And I said, "Dogbo, do you want a ceasefire?"
21 And he said, "Yes, General, I want a ceasefire."
22 And I said, "Yes, you see, we are all soldiers here. Before combat you always study the
23 balance of power. When it's three against three, you fight. Two against three, you can
24 still fight. Three against -- well, two against one, and what's more, when they have aerial
25 superiority, you stop fighting. Okay, I'll ask for ceasefire."

1 The other person I called was Ahouma, and he said to me, "General, it's not even a
2 ceasefire that we need. We will stop everything."
3 And I said, "No. We're not going to proceed that way. We're going to ask for a
4 ceasefire, and during the negotiations, we will see what we are going to ask for President
5 Gbagbo."
6 And I called General Palasset, commander of the Licorne forces. And he said, "Well, ask
7 the president to give up and we will stop fighting."
8 And I said, "Okay, General, that is what we will do."
9 So then I called General Béréna, commander of the UN forces, and I said, "General, we are
10 asking for a ceasefire and a cessation of fighting."
11 General Béréna said to me, "But what are the conditions of the ceasefire?"
12 And I said to him, "General, I'm asking you for a ceasefire and you are asking me for the
13 conditions? Well, listen, there are three conditions. First condition is, protect the
14 population. Second condition, protect members of the Defence and Security Forces who
15 do not wish to fight and who have been attacked by the others. Third condition, open up
16 corridors that will allow the population to bring in fresh supplies.
17 The general said to me, "Well, it's 11 o'clock, and I don't know exactly why, Mr President,
18 each time, each time I reported -- each time, you know, each time I looked at my watch it
19 was 11 o'clock, and now, once again, it is 11 o'clock, and the ceasefire will be at 11.30."
20 And I said, "Why 11.30?"
21 And he said, "No, we need some time to issue instructions. We'll cease fire at 11.30."
22 I turned on the television and, indeed, at 11.30 there was no longer any shooting. I
23 looked at the television; I saw people going out, and they even started going to get
24 supplies. And the first call I received came from the presidency. Admiral Vagba called
25 me.

1 And he said to me, "General, you have asked for the army to give up, to surrender?" I'm
2 sorry for the word.

3 And I said, "You're really pissing me off. You are on good terms with the president.

4 You don't even know what's going on? You can't ask the president to wait five -- or, do
5 you want them to come and kill him first?"

6 And he said, "Well, I'll meet the boss."

7 And I thought he was going to hand the phone over to the president but, no, he gave the
8 phone to Mr Kuyo, chief of staff. And I repeat the same to thing to Kuyo.

9 And he said to me, "Okay, I will report to the boss."

10 And then after that I waited, and Béréna called me and said, "Well, okay, now that there's
11 a ceasefire, we have to stop for one hour and find ourselves at Sébroko at the ONUCI
12 headquarters so that we can talk about the arrangements for everything that's going on."

13 And during that time, the president received a number of international journalists. There
14 was an interview granted.

15 And he said, "Well, the soldiers have asked for a ceasefire, but did he win the election?

16 We civilians, we have to be part of this."

17 Shortly after, I received a call from General Béréna, who said to me, "General, I don't
18 understand. You asked me for a ceasefire, we've stopped. There's a ceasefire. We
19 even agreed on a time for the meeting and we're waiting and still --"

20 So the ceasefire had failed, and the shelling resumed on the 10th, the 11th, and then the
21 president was led out with a hood over his head.

22 PRESIDING JUDGE TARFUSSER: [11:00:38] It's 11 o'clock, like always, and now it's
23 11 o'clock and we break here for half an hour for the break. We come back at 11.30 for
24 the second session.

25 Thank you very much. The hearing is adjourned.

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1 THE COURT USHER: [11:00:53] All rise.

2 (Recess taken at 11.00 a.m.)

3 (Upon resuming in open session at 11.31 a.m.)

4 THE COURT USHER: [11:31:19] All rise.

5 Please be seated.

6 PRESIDING JUDGE TARFUSSER: [11:31:40] Good morning again. Good morning
7 again to you.

8 THE WITNESS: [11:31:47](Interpretation) Good morning, sir.

9 PRESIDING JUDGE TARFUSSER: [11:31:49] I give back the floor to the Office of the
10 Prosecutor for his questioning.

11 Yours the floor.

12 MR MACDONALD: [11:31:58] Thank you, your Honour. If you allow me just 15
13 seconds.

14 Q. [11:32:44] (Interpretation) Mr Mangou, coming back on the period from 9 to 11
15 April, were you aware of the reaction of Mr Gbagbo or of his government at that moment
16 in time in terms of communiqués?

17 A. [11:33:29] No.

18 Q. [11:33:36] Were you yourself able to follow the events over the television between
19 the 9th and the 11th, I'm not talking about the arrest of Mr Gbagbo, but before that, any
20 reactions or comments by Mr Gbagbo?

21 A. [11:33:56] No. With the exception, of course, of the interview.

22 Q. [11:34:09] To be more specific, which interview are you referring to?

23 A. [11:34:12] On the 9th, he received international journalists when he talked again
24 about the results of the elections and when he said that it was the soldiers who had
25 requested a ceasefire and the civilians needed to come together to talk amongst

1 themselves.

2 Q. [11:34:37] And you heard that then, did you?

3 A. [11:34:40] Yes.

4 Q. [11:34:52] Subsequent to the arrest of Mr Gbagbo, to which you referred to

5 yesterday, and I'm going to quote the transcript dated 25 September, realtime, page 10,

6 lines 4 ongoing, you made mention of the fact that you went to the Golf.

7 Now, explain to us a little bit what brought you to the Golf. Did you go there under your
8 own fire? Were you convened to a meeting there? Can you explain the circumstances to
9 us?

10 A. [11:35:31] Subsequent to the arrest of Mr Gbagbo, very shocked by the arrest, the
11 first thing that I did was to call Prime Minister Soro with a view to asking him to make
12 sure that the president was not killed. The prime minister said to me that there was not a
13 problem and that it was the instructions of the president of the republic, President
14 Alassane had decided that President Gbagbo would not be touched in any way.

15 I thanked him and I said that I had to go to the Golf Hotel to pledge my allegiance.

16 I contacted General Béréna saying to him that I wanted to go to the Golf. But before
17 leaving I called Prime Minister Affi N'Guessan to say to him, "Prime Minister, I am
18 reporting to you that I'm going to the Golf to pledge my allegiance."

19 And he said, "No, don't go, don't go. We need to use the army to negotiate."

20 And I said, "No. I am going to pledge my allegiance."

21 And that's how I went to the Golf.

22 And in the transcript that I read through before coming it was written the date of the 13th,
23 but it wasn't the 13th, it was the 12th of April, the day after that I went to pledge my
24 allegiance at the Golf.

25 Q. [11:37:01] So still referring to the transcript of your statement.

1 A. [11:37:04] Of my statement.

2 Q. [11:37:05] Were you alone? Were there any other generals who accompanied you
3 or who were there on location?

4 A. [11:37:16] Well, General Guiai Bi in his testimony said it was General Mangou who
5 convened the officers to his residence in Abobo, which is wrong. I was not in Abobo.
6 My residence was not to be found in Abobo. This is false.

7 I know that General Béréna gave me an appointment at my official residence in Cocody,
8 and it was from there that an armoured vehicle from ONUCI came to pick me up.

9 Every officer went under their own steam. We didn't travel as a group. Each one went
10 under their own steam.

11 So I arrived at approximately 9, 9.30. We had to wait for everyone to convene before
12 commencing the ceremony.

13 However, I did inform Minister Hamed Bakayoko of my intention to go and pledge my
14 allegiance.

15 Q. [11:38:29] Was there any transmission or broadcasting of this allegiance?

16 A. [11:38:37] Yes.

17 Q. [11:38:37] Was there any ceremony for pledging allegiance?

18 A. [11:38:43] Yes, it was indeed broadcast.

19 Q. [11:38:49] Very well. I would like for us to come back to the organic means of this
20 CECOS. No, in fact, listen, let's go on with the month of April for the time being. We'll
21 come back to that.

22 Did you take part -- when you were pledging your allegiance, you are the chief of staff of
23 the FRCI; is that correct?

24 A. [11:39:29] I was not chief of staff, but I went in my capacity as members of the
25 Defence and Security Forces. Bakayoko as far as the FRCI is concerned was still there.

1 Q. [11:39:42] But what was your function subsequent to that ceremony of the 12th?

2 A. [11:39:50] Well, I realised that a lot of soldiers had not fought, and they were often
3 under attack, came under attack by their brothers in arms and were often pursued into the
4 various neighbourhoods.

5 So I decided to pledge my allegiance on behalf of all the forces. And when we arrived,
6 and this was a good thing, when we arrived, each commander of forces was allowed to
7 speak and to speak on behalf of those whom he was in command of. And the first person
8 to take the floor was the director general of the national police, General Brendou, who
9 spoke on behalf of the national police; then General Kassaraté on behalf of the national
10 gendarmerie; and myself, I finally took the floor to speak on behalf of all soldiers.

11 Q. [11:41:06] Subsequently, how were you involved in the days or weeks that
12 followed? What did you do?

13 A. [11:41:15] Subsequent to this ceremony pledging allegiance, President
14 Alassane Ouattara received me in a room serving as an office, because he was at the Golf,
15 in the company of Minister Amon Tanoh, and the president said the following to me,
16 "General, I am going to renew your functions as chief of general staff and maintain you in
17 your position."

18 And I said, "I'm sorry, but I'm a little bit tired. I've been out in the field for about 10
19 years. I'm a little tired. And I was chief of staff of President Laurent Gbagbo, and
20 people will not understand that I am then your chief of staff. They'll have something to
21 say about that."

22 And President Alassane said, "No, no, no, not at all. I intend to work within the context
23 of the Ouagadougou political agreement to merge the two armies. You are going to be in
24 command for a certain amount of time, and then when the time comes we will replace
25 you."

1 That's why I accepted, in view of what the president said to me. I saluted him and I left
2 the room.

3 Q. [11:42:45] Just a little question in an attempt to clear up this matter of the creation
4 of the FRCI. I understand that previously in your testimony you talked about the FAFN.
5 Now, when was it to your knowledge that the FAFN and the FRCI, the Republican Forces
6 of Côte d'Ivoire, well, can you remember the date at which the FRCI were created?

7 A. [11:43:35] Well, at the outset, our brothers who had come to attack us when they
8 were referred to, they were referred to as the rebel forces. And they themselves were the
9 armed forces of the Force Nouvelles, the FAFN.

10 And in the context of the Ouagadougou political agreement that was signed on 4
11 March 2007, the Republican Forces of Côte d'Ivoire, the FAFN, changed their form. And
12 one should specify that all the discussions that took place in Ouagadougou with regard to
13 military matters, none, no military, no Ivorian soldier took part in the discussions with
14 regard to military matters. Those who went there was Minister Tagro and Konan
15 Navigué who discussed such matters.

16 And this meant that very difficult things were accepted for the FRCI. And I had to go
17 around and calm our men down, telling them that it was in the interest of Côte d'Ivoire
18 and that they had to rein themselves in with a view to us moving forward to peace.

19 Now, the FAFN with their soldiers discussing military matters, well, it was Tagro and
20 Navigué who went out to do that.

21 So in the context of this Ouagadougou military agreement, the agreement itself defined
22 two armies for Côte d'Ivoire, two armies, one army to the north and one army to the
23 south. So on the basis of this agreement they morphed, if you like, and they became the
24 Republican Forces of Côte d'Ivoire because --

25 Q. [11:46:12] Well, maybe we could cut to the chase, please.

1 A. [11:46:20] Yes. Well, just to say that these are no longer or were no longer rebel
2 forces. And this is important for the case at hand. They became a republican force of
3 Côte d'Ivoire. They are no longer rebel forces, because what is this rebel army in the
4 world that first and foremost is part of the state budget and, secondly, on the president of
5 the republic's doors represents a troop in the presence of the state flag. And when the
6 troops are being reviewed, they salute the president and are under his orders. What
7 kind of a rebel army, the president of the republic takes a decree and appoints officers to
8 the general -- to the position of general and has us undertake a harmonisation exercise for
9 previous ranks, which rebel army where we ourselves sent people to conduct medical
10 visits and recruitment. So it's not a rebel army. It's an army in the same way as the
11 FDCI is.

12 So they say that the rebels chased out President Gbagbo. It's not true. It was the second
13 army of Côte d'Ivoire that chased him out, that was not happy and chased him out. It
14 wasn't the rebels. They weren't rebels.

15 And the same applies when people say, well, what about those people who were at the
16 Golf? What were they doing? Well, it was the army. We were given missions to
17 provide security throughout the territory. And those at the Golf were Ivorian
18 personalities, and they had been provided with security. So we need to discuss, we need
19 to understand this.

20 They then went to Ouaga and they brought back a decision that was difficult to apply for
21 our men. But thank God, I would like to commend our men for having understood it.
22 They understood, because when I went on tour, my men said to me, "Well, general, it's
23 better to be a rebel and go against your country than to be loyal." They were asking me
24 that question.

25 I said, "No, don't look at it like that. What we want is peace for our country, peace for

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1 our country. We are asking you to bear in mind the superior interest of the nation itself."

2 So everything that was in the agreement, it wasn't up to us, the soldiers, because no

3 Ivorian soldier went to discuss military issues in Ouagadougou. There was Tagro and

4 there was Konaté Navigué.

5 But, Mr President, be assured such errors -- well, there are many of them and I'm quite

6 ready to talk about them all.

7 Q. [11:49:55] That was what I was just about to ask you to clarify. When you refer to

8 Ouagadougou, there's a name. It's Konaté Navigué.

9 A. [11:50:07] And Minister Tagro, who discussed the FDCI issues on the military side.

10 Q. [11:50:15] So that is the person who was in charge of the youth for the FDCI, Mr

11 Konaté Navigué?

12 A. [11:50:23] Yes. He is a young man, too.

13 Q. [11:50:27] So I would like for us to come back to the month of April.

14 PRESIDING JUDGE TARFUSSER: [11:50:35] Maître N'Dry.

15 MR N'DRY: [11:50:42] (Interpretation) I'd like to assure my learned colleague I'm not

16 objecting.

17 Mr President, just I wanted to apologise for the Chamber, we should have done so before,

18 we would like to have two minutes, not more, at the end of this session in order to

19 address the Chamber outside of the witness's presence, just two minutes.

20 PRESIDING JUDGE TARFUSSER: [11:51:05] In private session or in open?

21 MR N'DRY: [11:51:13] (Interpretation) In open session, that wouldn't bother us, but

22 without the witness being present.

23 PRESIDING JUDGE TARFUSSER: [11:51:18] Okay, thank you.

24 Mr MacDonald.

25 MR MACDONALD: [11:51:29] (Interpretation)

1 Q. [11:51:30] Did you in the month of April take part in the demobilisation of any
2 group whatsoever?

3 A. [11:51:45] Yes, indeed. After 12 April -- I don't have a specific date in
4 mind -- there was a disarmament operation, and General Gueu talked to me about it.
5 And in the company of General Gueu, we went to Yopougon, opposite the Yopougon
6 police station, for a disarmament ceremony that was due to commence at 9 o'clock. But
7 we should say that the fighting had just come to an end and the elements that were armed,
8 some of them were afraid, and they were coming one by one. But we were able to get a
9 hold of some weapons.

10 And of those I recognised on location, there was Maguy le Tocard. There was Eugène
11 Djué, whom I saw. There were a few elements who laid down their weapons, who laid
12 down their ammunition, and I intervened personally to say that the war had come to an
13 end and that we had to rid the country of weapons and weapons had to be laid down in
14 order to enable our country to begin its development anew. So yes, I did take part in that
15 disarmament ceremony.

16 Q. [11:53:56] I would like to call up evidence number, the video, CIV-OTP-0047-0650.
17 It's another video, madam court officer, and we're going to ask you -- it's going to be from
18 the minute, from the outset, that is, to approximately 2.13, and it will come to an end, at
19 2.13. There's also a transcript that is available, and I have a copy here if necessary.
20 I'm going to be told what tab number it is with reference to this transcript. Just one
21 moment, please, for me to be able to -- I'm going to say the ERN. OTP-0048-1654, and it
22 is at tab number 302 for our colleagues from the interpretation and court reporters.
23 Otherwise, we have a hard copy.

24 THE INTERPRETER: [11:55:29] Message from the interpreter: The interpreter has it
25 before her. Thank you.

1 (Viewing of the video excerpt)

2 THE INTERPRETER: [11:56:10] Sight translation. (Interpretation of the video excerpt)

3 Journalist: Pacification of the district of Abidjan. The call of prime minister inviting the
4 militia to lay down weapons has been extended. Pro-Gbagbo militia holed up in
5 Yopougon have decided to lay down their arms. Serge Gongomin, Thierry Mangle
6 Aghitain.

7 The gesture of the militia in Yopougon was commanded by General Philippe Mangou.

8 The chief of staff of the army launched the invitation to soldiers and militias who might
9 still be clandestine.

10 Philippe Mangou. What is noted is clear and crystal clear. There are many people who
11 have died. There are still many people who have been handicapped and wounded for
12 life. Much blood has flowed in Côte d'Ivoire, and we say enough is enough. It is time
13 to put an end to it.

14 The Prime Minister. All those who are still reticent who were holding weapons in their
15 hands, I tell them to come, quite simply, to lay down their weapons because, as our
16 national hymn says, the country is calling us and the country is calling all children
17 without exception. For those who have come out, I believe it is time. The time of
18 anguish, the time of fear, is gone.

19 We are, we former FDS, and together with the former FAFN, we today have formed the
20 Republican Forces.

21 The pro-Gbagbo militia have expressed their fear during this encounter.

22 Guy Gbety. We want to call upon the conscious of all those present here today to say
23 that there are people who took up weapons yesterday, who went to fight in Yopougon
24 bare faced. They are saying to themselves that when they put down their weapons today
25 they will find themselves in danger.

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1 SG. The response has already been given by the president of the republic and has been
2 taken up here again by Commander Wattao.

3 Commander Wattao: All of that. There will be no reprisals. We have decided to go to
4 peace. We are going towards peace with the exception of those who want to be -- who
5 want to be fighters. So when you want to be a fighter, we've got our eyes on you. When
6 you want to rebel, we've got our eyes on you. That is normal. But he who has not tried
7 to be a caïds, a rebel fighter, we are not keeping an eye on you. So those brothers are
8 ready to come and see. We are going to welcome, we are going to, open-armedly, going
9 to welcome and we will reassure them that they will not be prosecuted.

10 SG. This disarmament ceremony in Yopougon is the result of many an encounter
11 between Eugène Djué, representative of the militia, and Commander Chérif Ousmane of
12 the Republican Forces of Côte d'Ivoire.

13 End of sight translation.

14 PRESIDING JUDGE TARFUSSER: [11:59:47] Yes.

15 MR MACDONALD: [11:59:49] (Interpretation)

16 Q. [11:59:50] Did you recognise those images, Mr Mangou?

17 A. [11:59:53] Yes.

18 Q. [11:59:53] Is this the ceremony you were referring to?

19 A. [11:59:56] Yes.

20 Q. [11:59:58] Do you know, have you met or have you seen Guy Gbetri?

21 A. [12:00:10] No.

22 Q. [12:00:11] Who was introduced?

23 A. [12:00:14] No.

24 PRESIDING JUDGE TARFUSSER: [12:00:34] Maître N'Dry.

25 MR N'DRY: [12:00:35] (Interpretation) Mr President, could the Prosecutor be asked to

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1 provide a date for this video. We don't have a date.

2 MR MACDONALD: [12:00:48] (Interpretation) We, too, are unaware of the date,

3 Mr President. I will -- and the witness has provided some information. I will revisit

4 that and I may ask him to be more specific.

5 Q. [12:01:08] Now, Mr Witness, Mr Mangou --

6 PRESIDING JUDGE TARFUSSER: [12:01:12] Ask him, Mr Mangou, do you remember

7 the date on which this video was taken, when this happened, what was shown on the

8 video?

9 THE WITNESS: [12:01:30](Interpretation) Mr President, it must have been during the

10 first week following the 12th. We pledged allegiance on the 12th, and I think two, three,

11 or four days after that we went to the field.

12 MR MACDONALD: [12:01:53] (Interpretation)

13 Q. [12:01:55] Was there still fighting in Yopougon at that time?

14 A. [12:02:03] There was no fighting as such but sporadic outbursts of fire, particularly

15 in Locodjoro, where firing was sporadically heard from time to time.

16 Q. [12:02:23] Very well. Let me now address the issue of CECOS and their organic

17 resources. I want to refer to what you said yesterday in your testimony, yesterday being

18 25 September, RT, page 20, lines 8 to 13, when talking about the organic resources of

19 CECOS, namely, its weapons. I quote:

20 "During the missions, we realised that CECOS had been provided with 12.7 heavy

21 machine guns, which can fire up to a range of 1,200 metres. CECOS was equipped with

22 RPGs, and the RPG is a weapon which can be used to launch an unguided rocket. It even

23 had offensive as well as defensive grenades."

24 Can you explain that to the Court and tell the Court at what time CECOS received these

25 types of weapons?

1 A. [12:04:21] I cannot provide you with a specific answer as to when CECOS received
2 that material. What I can tell you, however, is that the proposal to create CECOS was
3 assigned to me. The president told me that it would be a unit to fight major criminality
4 or major banditry. Based on that information, the weapons that we included in the text
5 to be submitted to the president was PAs and Kalash, and these are weapons that can be
6 used to fight major criminality.

7 Then CECOS was created, and it was up to the army to make troops available to CECOS
8 because CECOS was composed of gendarmes, soldiers and policemen. Initially, CECOS
9 worked compliant to its given mission, namely, to cover the entire city of Abidjan in its
10 work.

11 But as time went on, CECOS no longer played its given role and it progressively became
12 involved in traffic control. In Bassam, it was often present on the highway and was
13 interfering in the remit of the police and the gendarmerie. And gradually, over time, it
14 became obvious that CECOS had the 12.7, had RPGs and had grenades.

15 So if you see the section that had to intervene, it would have been the BMO, the brigade
16 for the maintenance of order. That duty does not lie with CECOS. But now CECOS had
17 weapons that were practically war weapons.

18 An RPG, for example, is a weapon is used to destroy armoured tanks. You don't fight
19 major criminality with an RPG. And if you take the 12.7, for example, it is a heavy
20 machine gun which can fire up to the range of 1,200 meters. If you take the two types of
21 grenades, offensive and defensive grenades, there is a distinction to be made at this level.

22 An offensive grenade is made up of explosive powder, and when you lob it outward, the
23 effect on the people is less, namely, a severed arm, a severed leg, or something like that.

24 These are the types of grenades that are used in assault operations.

25 Now, if you use a defensive grenade, defensive grenades have a metallic head which

1 upon fragmentation, when you have that shell which is in metal, the metal becomes
2 deadly because it is more deadly than the offensive grenade because such defensive
3 grenades are used to stop the advance of the enemy.

4 So mindful of the types of weapons that it now had, it was clear that this was different
5 from its initial mission.

6 Q. [12:08:18] Mr Mangou, let me now -- well, thank you for the explanation around
7 the concept of offensive and defensive grenades, but I want to talk to you now about tear
8 gas.

9 A. [12:08:37] Yes.

10 Q. [12:08:38] Now, according to you, a grenade that produces tear gas, can it be
11 deadly? And, if yes, can you explain to the Court the circumstances in which it can be
12 deadly?

13 A. [12:08:51] Tear gas is conventionally used for law enforcement, and when you lob
14 it, those who are affected do not leave the area; they can suffocate. So it is the kind of
15 weapon that can suffocate human beings. That is what I can say.

16 Q. [12:09:17] A tear gas canister or grenade, when it is launched with a canon or a gun,
17 is that how it is done?

18 A. [12:09:33] Yes, such a projectile, if it hits you, it can be dangerous, but the purpose
19 is to lob the grenade so that upon explosion people can be caused to flee. But if it hits
20 you, it is likely to hurt as well.

21 Q. [12:09:54] In an operation to maintain order, how should tear gas canisters be
22 lobbed?

23 A. [12:10:04] This is a matter for experts. I never used it because that is not my line
24 of duty. We're not there to contain crowds. But my understanding is that if you see a
25 crowd coming towards you, you lob it to a certain distance, a few metres away, so that

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1 upon the release of these toxic gases, the crowds will be repelled. That's my
2 understanding.

3 Q. [12:10:31] On that point, I would like to address the Chamber in English.

4 (Speaks English) While the document and a number of documents, your Honour, to that
5 effect as to the armament of the CECOS is already submitted on record, I just want to
6 draw your attention to these. And primarily I would say, and I'll just quote one because
7 there's a few of them, CIV-OTP-0073-0215.

8 PRESIDING JUDGE TARFUSSER: [12:11:19] You want it to be shown up?

9 MR MACDONALD: [12:11:23] Just wanted to remind the Chamber of that document
10 being submitted, but I will not show it, although it is shown now. But it's okay, it's okay.
11 (Interpretation) Please take the document off the screen, please.

12 Q. [12:12:28] Well, you talked about the 12.7 millimetres. Can we now show the
13 witness public document CIV-OTP-0043-0226. Specifically, this is a document of 22
14 November 2010.

15 As we can all see, it's a request from General Guiai Bi Poin to lieutenant colonel of the 1st
16 infantry battalion in Akouédo.

17 First of all, have you seen this document before?

18 A. [12:13:33] No, I'm seeing it for the first time.

19 Q. [12:13:40] Can you confirm whether there was a firing area in Akouédo and why it
20 was necessary for the 12.7 to be used there?

21 A. [12:14:01] I'm surprised by this request myself.

22 MR N'DRY: [12:14:07] (Interpretation) Mr President, the witness has said that he never
23 saw this document. Now, at least we could stop at the question whether there was a
24 shooting range in Akouédo and that will be fine, but asking why CECOS would have had
25 to use such a shooting range is calling for an opinion.

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1 MR MACDONALD: [12:14:33] (Interpretation) I'll rephrase. I'll rephrase,
2 Mr President.

3 Q. [12:14:45] First question, let's take off the document but I think the witness has
4 seen it. Was there a firing range in Akouédo?

5 A. [12:14:56] When I was there, there was a firing range there, but the firing range
6 was only up to 200 metres, and using a few machine guns one would have to shift back.
7 But then later on, this Akouédo firing range disappeared, as people occupied the area, and
8 so in order to do any firing practice, we had to go to Lomo, Lomo-north in the Toumodi
9 region.

10 PRESIDING JUDGE TARFUSSER: [12:15:35] Now just for the date, you said, "When I
11 was there, there was a firing range," and then you say, "But later on the range -- the firing
12 range disappeared". What do you mean by "when I was there and later on," the period
13 of time?

14 THE WITNESS: [12:16:03](Interpretation) When I was with the armoured battalion,
15 Mr President, we used that firing range, but when I became chief of general staff of the
16 armies, it was difficult to fire in that area because inhabitants had settled all around the
17 firing range, and that firing range had to be closed down. If you go there today, the
18 whole place is taken up by residential buildings.

19 PRESIDING JUDGE TARFUSSER: [12:16:35] Mr Prosecutor.

20 MR MACDONALD: [12:16:45] (Interpretation)

21 Q. [12:16:46] My following -- my next question is, well, I'll set this aside mindful of
22 the objection. Let's now talk about -- well, I was to hark back to a document, specifically
23 dealing with the Garde Républicaine. Can you talk to the Court about the resources
24 available to Garde Républicaine, the organic resources, and I mean weaponry.

25 A. [12:17:32] The Republican Guard had PA, Uzi. Uzis, these are weapons from

1 Israel, small-calibre weapons. They had Kalash, Kalash. They also had RPGs. They
2 had grenades. And when it comes to vehicles, they had armoured vehicles.

3 Q. [12:18:14] What is the calibre of an Uzi?

4 A. [12:18:19] It is a small-calibre weapon which can fire up to about 200 metres.

5 Q. [12:18:24] I'm sorry, please proceed. I asked for the calibre in millimetres.

6 A. [12:18:30] 9 millimetres.

7 Q. [12:18:47] In relation to the other FDS forces, comparatively what was the size of
8 the weaponry of the Republican Guard?

9 A. [12:19:02] In relation to the other forces, they must have had a smaller quantity.
10 However, I must confess that the Republican Guard had to have sufficient resources as
11 compared to the other forces. But I've never been to their armoury, but I know they had
12 sufficient weaponry.

13 Q. [12:19:30] Where was the armoury located?

14 A. [12:19:36] The armoury was located within the palace, to the north-west of the
15 palace.

16 Q. [12:19:51] At what level?

17 A. [12:19:52] It is buried. It is underground. It is in a bunker.

18 MR MACDONALD: [12:20:11] (Interpretation) Court officer, I would like to show a
19 video, CIV-OTP-0048-1651, the entire video. There is no transcript for this video. I will,
20 therefore, ask you to play the entire video, and then before we get to the end of the video,
21 we will do a few still images. Very good. Thank you. I now ask you to look at this
22 video. It's document 301 in our list of documents.

23 (Viewing of the video excerpt)

24 THE COURT OFFICER: [12:21:39] It's marked confidential. The video is marked
25 confidential.

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1 MR MACDONALD: [12:21:48] It's public. It's already submitted on record.

2 (Viewing of the video excerpt) (Continuing)

3 MR MACDONALD: [12:23:54] (Interpretation)

4 Q. [12:23:57] My first question to you will follow and then we will go back to the
5 four-by-four at the very end of the video and do a screenshot of that part.

6 But to start with, have you ever seen this video before?

7 A. [12:24:21] No, I've never seen this video.

8 (Viewing of the video excerpt)

9 PRESIDING JUDGE TARFUSSER: [12:24:32] Have you ever seen this location shown
10 in the video?

11 THE WITNESS: [12:24:44](Interpretation) Yes, I have already seen the location.

12 MR MACDONALD: [12:24:47] (Interpretation)

13 Q. [12:24:48] Is that the bunker you were referring to?

14 A. [12:24:51] No, that is not the bunker I was referring to. I was a deputy
15 commander of the Republican Guard and I know the bunker very well. Now, those
16 cases of ammunition you see indicate that this is ammunition that was stored there. But
17 the bunker itself is at another location; it is outside. But now I am convinced that the
18 ammunition that had been ordered had effectively been received and was stored in that
19 basement.

20 PRESIDING JUDGE TARFUSSER: [12:25:27] Excuse me, but when you say "now I'm
21 convinced" what do you mean by "now"? Today, after seeing this or now some times
22 ago?

23 THE WITNESS: [12:25:46](Interpretation) It's now, now that I'm convinced that the
24 ammunition actually arrived. Because I knew that ammunition had been ordered, but I
25 had never received it. But now that I see this video today, I realise that the ammunition

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1 was actually delivered.

2 PRESIDING JUDGE TARFUSSER: [12:26:05] Thank you.

3 Yes, please, madam.

4 MS KADJI: [12:26:09] (Interpretation) We would like to object to this entire line of
5 questioning on the video. From the very beginning, the witness said he had never seen
6 this bunker. He has again told you that he's discovering this material here. So what
7 type of questions can we put to him since he has says he has never seen the video.

8 PRESIDING JUDGE TARFUSSER: [12:26:34] I don't that he said that he has never seen
9 the video, and that's it, but not that he has not seen the location. So we're talking about
10 the location, not about the video, and about the video, I think he's well-placed to answer.
11 Mr Mangou, please, I saw you holding -- yes, please.

12 THE WITNESS: [12:26:55](Interpretation) Yes, Mr President, I think there is a confusion
13 in the mind of the lawyer, because the bunker I was talking about is not this one. This is
14 the basement of the presidency. The bunker I was referring to is an armoury which is
15 outside in the gardens of the presidency, but what we are looking at is the basement of the
16 presidency where we see those cases here.

17 MS KADJI: [12:27:25] (Interpretation) Yes, indeed, Mr President. The question
18 being put to him is about a bunker and that's the issue.

19 PRESIDING JUDGE TARFUSSER: [12:27:34] We are talking about what we saw. You
20 never saw the video, but you saw the location.

21 So please go ahead with the questioning, Mr Prosecutor.

22 MR MACDONALD: [12:27:46] Thank you, your Honour.

23 Q. [12:27:49] (Interpretation) We have a screenshot here, Mr Mangou, at timestamp
24 2.49.24. What can you see?

25 A. [12:28:05] What you see here is a weapon known as the Crapaud, Crapaud. But

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1 these are weapons, bi-tube in French, or dual tubes that are used to fight aircraft. These
2 are anti-aircraft weapons.

3 Q. [12:28:28] Surface-to-air weapons?

4 A. [12:28:30] Surface-to-air.

5 Q. [12:28:35] Can we just move the video a few seconds further and come to the
6 four-by-four vehicle.

7 (Viewing of the video excerpt)

8 MR MACDONALD: [12:28:46] (Interpretation) Well, we are at timestamp 2.53.06,
9 and a screenshot has just been made of this.

10 What type of vehicle do you see here?

11 A. [12:29:07] This is a VLRA, bearing a 20-millimetre canon. The Republican Guard
12 doesn't have this type of weapon. It is weapons that are available to the BASA, the
13 surface-air artillery battalion.

14 Q. [12:29:28] Do you know what this vehicle was doing there at that time?

15 A. [12:29:32] No, I cannot say. I cannot say.

16 Q. [12:30:00] Very well. Mr Mangou, I would like us to in the next half hour before
17 the break, I would like us to talk about the various phases of operations during the
18 post-electoral crisis. I want for this purpose to generally refer to your testimony of
19 yesterday, 25 September, RT page 100, lines 18 and follows.

20 In fact, earlier this morning you referred to some offensives. Between 28 November 2011
21 and 18 January -- well, sorry, 28 November 2010 and 18 January 2011 or thereabouts, what
22 period were you in? Was it a time of crime -- or, rather, could you describe to us the
23 operational status of things at the time?

24 A. [12:31:59] Well, on 28 November, that was the second round of the elections,
25 second round of the elections. The results for the RHDP candidate were given out on the

1 22nd -- no, I'm sorry, on 2 December 2010. And for the LMP candidate, the results were
2 announced on 3 December 2010. The two candidates, therefore, conducted their
3 ceremonies on 4 December, which was due to be sworn in on 4 December, and that's
4 when the situation began to go downhill.

5 Côte d'Ivoire was living in a virtual insurrection with people dying, with wounded, and
6 therefore, we convened a series of meetings.

7 And on 20 December 2011, at the ministry of defence, with the two ministers of defence,
8 Mr Alain - what's his name? Alain Dogou, and the minister of the interior, Émile
9 Guiriéoulou and all of the generals. And the aim of this meeting was to see or to
10 ascertain what was going on.

11 Subsequent to this meeting, the situation was getting worse, and more specifically in
12 Abobo. We convened another meeting on 30 December 2010 with the same individuals,
13 and there we analysed the threats at hand.

14 And in view -- and we ascertained what attitude we should adopt in the face of these
15 threats and we saw what our means were and what means we needed.

16 The situation was worsening, and that is how on 5 January 2011 we found ourselves at the
17 residence of President Laurent Gbagbo at approximately 9.30 p.m. when I reported back
18 to him with regard to the general situation prevailing within Abidjan, and more
19 specifically within Abobo itself with, of course, all the problems that we had encountered
20 with regard to the various resources and means.

21 So it was subsequent to this meeting that a decree requisitioning the forces was handed
22 over to us in which the forces were requested to intervene throughout Abidjan.

23 When we received said decree, we convened a meeting on 6 January 2011 - I believe it was
24 a Friday - at the staff headquarters in order to see how we were going to organise
25 ourselves, with a view to deploying elements out in the field.

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1 And it was during the meeting that the director general of the police said to us that what
2 was going on in Abobo was within his remit and that it was a maintenance of order, law
3 enforcement situation.

4 I requested of Commander Sako, chief of the CPCO, to designate people who could then
5 go and intervene in Abidjan.

6 General Brendou, therefore, commenced his operation on 11 January. And the operation
7 was commenced from his operational post, which was PC Minos, that is the command
8 post Minos within the minister of the interior. And he commenced his operation on 11
9 January up until 21 February, 11 January until 21 February.

10 On 11 January, as soon as he had deployed his elements out in the field, in the night of the
11 11th to the 12th of January our policemen who were at the Abobo roundabout at
12 approximately midnight or 1 o'clock in the morning were surrounded, were killed.
13 There were approximately six dead with vehicles that were destroyed and burnt to
14 cinders.

15 The police nevertheless continued its mission until the 21st, as I said, and we noted that
16 there were still people dying in Abobo. But what is more, the weapons at the disposal at
17 the Commando Invisible were weapons of war. They really were weapons of war that
18 the police could not do anything against.

19 And so we decided as an armed force to take over from the police and as such, as a result,
20 we on the 22nd prepared ourselves with all of those units that had been -- so we prepared
21 ourselves on the 22nd --

22 PRESIDING JUDGE TARFUSSER: The 22nd February, Février?

23 THE WITNESS: (Interpretation) The 22nd January.

24 PRESIDING JUDGE TARFUSSER: En Janvier?

25 THE WITNESS: (Interpretation) 22nd of January, January, Mr President.

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1 So we prepared ourselves on 22 January -- no, no -- 22 February, I believe. It was from
2 the 11th, it was from 11 to 21 February. That's right, Mr President, it's the 22nd.

3 So we prepared ourselves on the 22nd. And on the 23rd of January we started our
4 offensive on PK18 and N'Dotré.

5 THE INTERPRETER: 22nd and 23rd of February, correction from the English booth.

6 THE WITNESS: [12:39:14](Interpretation) Those were the offensives. I don't know
7 whether I can give the details. So those were the arrangements that were set up
8 throughout Abidjan.

9 Let me start with Yopougon. In Yopougon we had at the first bridge in Yopougon, we
10 had a section of the 3rd infantry battalion.

11 And in Siporex we had a police section.

12 At the MACA we had two Élan vehicles. These are South African vehicles armed with
13 7.52 machine guns, and they can carry 12 people, 12 people, that means 24 people.

14 We had a section of the 1st infantry battalion.

15 We had a BCP section, that is the parachutists commando battalion.

16 We had an engineering section.

17 We had two 60-millimetre mortars.

18 We had a team from the CECOS on a vehicle mounted with a 12.7.

19 The unit that was in reserve for intervening in that zone was a platoon from the Toits
20 Rouges gendarmerie from Yopougon and all of the elements in Yopougon were stationed
21 or positioned under the responsibility of Koukougnon, the squadron leader.

22 Now, in Adjamé Plateau, at the first Casse bridge there was a platoon positioned there
23 from the gendarmerie at the cité Fairmont. There was a platoon from the gendarmerie
24 positioned there.

25 At the GSPM there was a section from the police.

1 At Boribana towards Attecoubé at the ONUCI headquarters there was a section from the
2 1st BCS command and support battalion.

3 At the RAN there was a section from the Republican Guard.

4 And all of these elements were placed under the responsibility of Lieutenant
5 Colonel Mody from the Republican Guard. The reserve unit for intervention purposes
6 was a platoon from the Republican Guard.

7 At Cocody, at Cocody we had at the Riviera 3 roundabout a platoon -- or intersection, we
8 had an armoured platoon, not the vehicles, but the men themselves.

9 At the Carrefour de la Vie we had a section from the 1st infantry battalion.

10 At Petroci we had a mixed section, police and gendarmerie.

11 At the Riviera garden, jardins de la Riviera, yes, and on the roadside, that is, we had
12 students from the gendarmerie academy.

13 At Saint Jean we had a section from the police.

14 At the RTI we had a section of the BCP, the 1st BCP, we had a platoon from the
15 gendarmerie supported by an armoured platoon from the 1st armoured battalion and a
16 dual tube from the BASA.

17 At the Golf, we had a platoon, an armoured platoon, a dual tube from the BASA, two
18 mortars, 60 millimetres and a 12.7 from the CECOS. These are the same elements who
19 were at the Golf at the M'Pouto side. They were made up in precisely the same manner,
20 and this was exactly the same thing for the intersection Marie-Thérèse
21 Houphouët-Boigny.

22 Now, at the Abobo roundabout we had an element from the gendarmerie, from the GEB.

23 We had an element from the BAE on an RG12. And from the BASA we had two
24 60-millimetre mortars.

25 And the elements from the gendarmerie squadron from Camp Commando, which was

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1 seven -- 57 people in number, there were elements from CRS 1, there were 17 of them.
2 There were CRS 2, there were 18 of them. And then I would say, well, when did we
3 bring the 120 mortar? That must have been in the second phase of the operation.
4 So, Mr President, these are throughout Abidjan the various units that were in position.
5 Only the ones that moved only in the first and second phase were the elements that were
6 at the MACA and those who were in the Abobo, those were the only ones who moved.
7 And I forget to add that in Coco Service we had a section present, at the university we had
8 a section present, and at the Saint Xavier pharmacy we also had a section present.
9 So the ones that moved around were the ones who were at the MACA, those who were at
10 the Abobo roundabout, all of those people, all of that personnel, all of that equipment was
11 placed under the responsibility, the direct responsibility of General Detoh Letho Firmin,
12 who was the commander of the troops, that is to say the big boss of the town of Abidjan.
13 So on 23 January -- or February, I'm sorry --

14 PRESIDING JUDGE TARFUSSER: [12:46:21] Just a question, which orders were given
15 to these units?

16 THE WITNESS: [12:46:31](Interpretation) That's what I'm getting to, Mr President.
17 Thank you, Mr President.

18 So on 23 February, that was the first offensive. The mission given over to General
19 Detoh Letho was to reconnoitre the MACA, PK18 road, and enter into contact with the
20 enemy and to conduct a recce mission on the Abobo-N'Dotré road and enter into contact
21 with the enemy.

22 When I talk about reconnaissance, this is a tactical term that --

23 MR MACDONALD: [12:47:28] (Interpretation)

24 Q. [12:47:28] Who gave the order to conduct reconnaissance of that road? And then
25 you can continue.

1 A. [12:47:37] Well, the order for reconnaissance activities, well, I was the one who
2 gave that to General Detoh Letho.

3 Q. [12:47:46] Please continue.

4 A. [12:47:48] So, Mr President, as I was saying, it's a tactical term. Let me define it so
5 that everyone is equally enlightened.

6 The tactical term "reconnaissance" is to go and glean or gather tactical or technical
7 information on a road by possibly engaging in combat, entering into contact. And this
8 for him was a matter for him to define to me what was the nature, the volume and the
9 attitude of the enemy.

10 The nature is to tell me whether it is a foot soldier or whether it is a gunner. So it is up to
11 him to tell me the nature of the enemy.

12 As to the volume, he needs to tell me whether we are up against a section - Mr President,
13 a section is approximately 25 to 30 individuals - or a company. A company is three
14 sections plus the company, the command company. Or whether we're up against a
15 battalion. A battalion is three companies plus the command company. So it's up to him
16 to tell me this information with regard to the volume.

17 With respect to the attitude, is the enemy in position? Is he moving around? This is the
18 kind of information that General Detoh within the scope of his mission was to provide.
19 Now, whilst undertaking said mission, it was a difficult thing to undertake because our
20 elements who were moving around on the MACA-N'Dotré road were being somewhat
21 prudent because of the Banco forest.

22 And before leaving, Mr President, at the behest of General Detoh Letho, I requested that
23 the 60-millimetre mortar be fired. And this was a -- it was a sort of harassment fire, if
24 you like. And this is a weapon of the infantry that is to be found at the level of the
25 support section for the company, and it provides support for the section and even for the

1 company.

2 This is a weapon that is easy to transport and easy to use because its ammunition is part of
3 the firing. And when you put it into the tube it hits a trigger. And the distance at which
4 it travels is 100 metres direct fire and 1,000 metres in an indirect manner. And the
5 60-millimetre is 40 degrees to 80 degrees.

6 When you put the biped up because -- and when you put the platform underneath the
7 earth, and you move the biped around, you can have a range of 600 thousandths. That is,
8 600 thousandths to the left and 600 thousandths to the right.

9 So it really is an infantry weapon that is under the command of a corporal. There are
10 only four teams that use this weapon. There is the corporal, the gunner, and there are
11 the two -- so they have this -- they send up -- they fire into the air.

12 Now, when you work with a weapon and you put it in storage, in order to make sure that
13 it doesn't rust, you oil it up in order for it to preserve itself better, but you always make
14 sure that there is oil. And we always fire, first of all, and then it makes the tube a little bit
15 easier to use because we've heated it up a little bit. That's what we refer to as the firing
16 fire.

17 Now, the forest is a vast expanse, so people can hide there; they can lay in ambush, and
18 we fired in there to see whether there were any elements. And this harassment fire, as
19 referred to, is fired into an area that we are doubtful about, and it encourages the enemy
20 to respond if he is present. So they then commence their movement.

21 Those who hailed from Abobo met with a great number of difficulties. Our men were
22 coming under attack from the high ground by people who were often in civilian clothing,
23 and they were firing at them. And it was impossible for them to fire back. And for
24 anyone who is familiar with Abobo, from the roundabout in Abobo to PK18, we started
25 our manoeuvre at 9 o'clock, and we arrived at PK18 simultaneously with the others at

1 nightfall, that is to say, 6.30 p.m.

2 And when we arrived at PK18, it was impossible for our men to return fire because the

3 Commando Invisible was in place and had virtually taken as hostage the population.

4 They were being fired at. And the people were mixing themselves amongst the members

5 of the population.

6 The Commando Invisible was really acting contrary to the Geneva Convention because

7 they were in civilian attire. So it was difficult to distinguish the combatant from a

8 member of the population. And in the face of such difficulties, it was impossible for us to

9 return fire when the enemy fired.

10 And when Detoh provided this report, because we can't fire back upon the civilian

11 population, I requested of the elements, in view of the fact that night was falling, I

12 requested that they withdraw, and those who had gone to PK18 withdrew back to the

13 Abobo roundabout. Those who went -- who had gone to N'Dotré went back to the

14 MACA.

15 This is what I did, and I did it because, generally speaking, in a manoeuvre, when you

16 have reached a given point, you remain there in order to take up the manoeuvre at the

17 point you left off, or the next day, because you've already gained terrain.

18 However, I had my elements withdraw because we had had the experience, the

19 experience of what had happened to our policemen brothers. At night-time they had

20 come -- they had been surrounded and they had been killed.

21 So in order to avoid my men being surrounded and killed, I ordered them to come back to

22 their initial positions.

23 So we had to report back to the minister of defence with regard to the difficulties that we

24 had encountered out in the field. And I provided a report back to President Gbagbo with

25 regard to those difficulties encountered in the field.

1 And that is how we were convened to a meeting on 24 February at approximately
2 4.30 p.m. I hope I'm not mistaken with the date. But whatever the case may be, this is
3 what happened. 4.30 at the presidency of the republic, p.m., and in attendance at said
4 meeting was the chief of general staff, General, that is to say myself; General Detoh Letho,
5 who is in command of the troops; General Aka Kadjo Marc, who is commander of the air
6 forces; General Kassaraté, commander of the national gendarmerie; General Guiai Bi Poin,
7 who was commander of CECOS; general -- sorry, Brindou, director general of the national
8 police; General Touvol, who was chief -- personal chief of staff of the president of the
9 republic; General Dogbo Blé, commander of the Republican Guard; and the two ministers:
10 Minister of defence, Alain Dogou; minister of the interior, Émile Guiriéoulou. And
11 officers Colonel Major Ahouman was there; there were the two sides, Commander Doua
12 was in attendance. And we, with the assistance of a map from the staff headquarters that
13 we laid out at the presidency, I reported back to the president of the republic with regard
14 to the difficulties encountered during our progress, that is to say, what I have just
15 discussed or described to you at an earlier stage just now.

16 At a given moment, the president of the republic got to his feet. He stood up and he
17 approached the map. I showed him the position held by the enemy, the position of the
18 friendly troops, and the president put two questions to me. The first of which was, "Is
19 the population still present in that area?"

20 I answered saying, "Yes, that the population is still there."

21 He made a recommendation; he said, "Make sure that not too many people die."

22 And his finger came to rest on the MACA-N'Dotré road, and he said, "Which road is
23 that?"

24 And I said, "That is the MACA-N'Dotré road."

25 And the president asked the question, "Is that road occupied?"

1 I said, "No, the road is not occupied."
2 The other general said, if -- they said, "Yes, the road is occupied," said the other generals.
3 And that is when the discussion arose between the officers and myself. When Guiai Bi
4 told you here that the chief of general staff did not know that the enemy was at kilometre
5 18 and in N'Dotré, this is not true. That a chief of staff give an operational order and for
6 him not to know where the enemy was, that is entirely untrue. And I maintain what I
7 said to the president of the republic, the road was not occupied. And that was the road
8 that we were going to use to go to the intersection.
9 So the president then entrusted a mission in us. He said, "Free that MACA-Abengourou
10 road because," he said, "this is a strategic road. We need to allow, we need to allow the
11 population from the south to travel towards the east, and we need to allow the population
12 from the east to travel to Abidjan.
13 And what is more, we need to enable the circulation of produce or products from the east
14 and vice versa."
15 PRESIDING JUDGE TARFUSSER: [13:01:08] Now I stop both. Because we suspend
16 here, go for lunch, and come back at 2.30. Thank you very much. The hearing is
17 adjourned.
18 THE COURT USHER: [13:01:19] All rise.
19 (Recess taken at 1.01 p.m.)
20 (Upon resuming in open session at 2.30 p.m.)
21 THE COURT OFFICER: [14:30:47] All rise.
22 PRESIDING JUDGE TARFUSSER: [14:31:05] Maître N'Dry, sorry, I forgot to give you
23 the floor before the last two minutes, so I give them, the floor to you the first two minutes
24 of the third session. You asked for it, right?
25 MR N'DRY: [14:31:25] (Interpretation) Thank you, Mr President. Mr President, I

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1 simply want to ...

2 PRESIDING JUDGE TARFUSSER: Yes, please.

3 MR N'DRY: Very well. I simply want to revisit a point that was dealt with yesterday
4 by my learned colleague Ms Josette Kadji; namely, the manner in which the witness is
5 being addressed, that is he's being referred to by his name.

6 We don't have any problem addressing a witness by his name. Well, when the
7 Prosecutor would be done, we would have our turn and we might want to do the same
8 thing, but we want to clarify something.

9 From this day on, is it the case that subsequent witnesses will also enjoy this kind of
10 "privilege" that is being addressed to, in their own name if they wish to be called by their
11 name? We just want clarification for the future, Mr President. That's why I asked for
12 two minutes only. And I hope that I have been clear enough.

13 PRESIDING JUDGE TARFUSSER: [14:32:53] You have been clear enough, but if you
14 think back, there are other witnesses which we called by name and I, for example, am
15 referring to the two witnesses of the UK, the cameraman and the journalist, or some of the
16 expert witnesses. We already addressed them by name. So it's not the first time. It's
17 not a complete novelty. So I don't -- if the witness has no in-court protective measures, I
18 have no problem.

19 Often, and this is my fault also, often I address them saying "Mr Witness" because I can't
20 remember all their names or maybe I can't spell them out properly. But that's the only
21 reason. If there is no in-court protective measures, there is no problem to use the names,
22 okay?

23 Thank you very much. Now we can bring in the witness, Mr Mangou, again.

24 (The witness enters the courtroom)

25 PRESIDING JUDGE TARFUSSER: [14:34:55] Good afternoon, Mr Mangou. We had just

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1 a small discussion which didn't refer to your testimony.

2 So now I give back the floor to the Office of the Prosecutor and therefore to

3 Mr MacDonald.

4 MR MACDONALD: Thank you, your Honour.

5 THE WITNESS: [14:35:17] (Interpretation) Good afternoon, Mr President.

6 MR MACDONALD: [14:35:21] (Interpretation)

7 Q. [14:35:22] Mr Mangou, we shall now continue.

8 Before the break, the lunch break, we were talking about 24 February, particularly in

9 relation to a meeting between the generals and the president and the minister of the

10 interior and the minister of defence.

11 What happened at that meeting and how did it conclude?

12 A. [14:36:05] At the end of that meeting the president gave us a new mission, namely,

13 to liberate the road, the MACA-Abengourou road.

14 He said that the reason was that it is a strategic road which enables people to travel from

15 the south to the east, and vice versa, and for produce to be moved from the south to the

16 east.

17 Upon receipt of that mission, I then went to see Minister Alain Dogou to ask him, to

18 propose to him that Abobo be -- or, rather, that Abobo be declared a war zone in order to

19 avoid the difficulties we encountered the first time around.

20 I want to insist on this point because many people did not understand. People thought

21 that everything in Abobo had to be destroyed. No. That was not our intention.

22 I was the commander of the theatre of operations. I was on the ground myself. And we

23 had powerful resources. We had BM21 which we could have positioned and shelled

24 distances some 26 kilometres away.

25 I did not use those resources because it would have been disastrous. We had two BM21.

1 I had one positioned at Daloa and another BM21 at Daoukro with prohibition to whoever
2 to use these weapons. And so they were covered. There was tarpaulin placed over
3 them.

4 Q. [14:38:03] What is a BM21?

5 A. [14:38:05] A BM21 is something that is referred to as the orgues de Staline. And,
6 you see, they are covered. During the post-election crisis Bakayoko and myself, we knew
7 how to fight. It is true that many people died, but we were able to preserve the
8 infrastructure of our country.

9 Now, Mr President, if you had the opportunity to go to Côte d'Ivoire today and you are
10 told that Côte d'Ivoire went through ten years of a crisis, you will not believe it because
11 Côte d'Ivoire has no stigmas of war.

12 I cannot destroy Abobo because Abobo is very important to me. It is important because
13 it is the first town in which I lived as a student. I was one of the first students to be there.

14 Q. [14:38:54] When you say there are "no stigmas or war," would that be on buildings?

15 A. [14:38:58] Yes. When it comes to buildings, there is no stigma of war on the
16 buildings. Abobo is dear to my heart because I was one of the first students to have
17 resided at the university campus residency in Abobo. So it was not in my mind at all to
18 destroy Abobo.

19 What was present in our mind, as I said yesterday, was to secure one or two
20 neighbourhoods and then enable the population, who had been held hostage by the
21 Commando Invisible, to have a 22, 48 -- 24, 48-hour corridor within which they could
22 come to the secured neighbourhoods so that we would then be in a position to see clearly
23 who our enemy was so that we can deal with that enemy.

24 As long as the population was within the city, it was impossible for us to react.

25 PRESIDING JUDGE TARFUSSER: [14:40:06] Excuse me. Could we see on the map the

1 MACA-Abengourou road please? Could you show it on the map. We have maps.

2 MR MACDONALD: [14:40:18] I can use a map that the witness -- which is an annex to
3 his statement.

4 PRESIDING JUDGE TARFUSSER: [14:40:24] Well, yes.

5 MR MACDONALD: [14:40:25] Because that's the only map I have, actually, with all the
6 map issues. I didn't think of one, to be quite honest. So I will, if you allow me just a
7 few seconds --

8 PRESIDING JUDGE TARFUSSER: Yes, yes.

9 MR MACDONALD: -- I'll come back --

10 PRESIDING JUDGE TARFUSSER: [14:40:44] Of course.

11 MR MACDONALD: [14:40:46] -- we'll come back to that and with a map to be able to
12 also maybe mark it, like we've done it with --

13 PRESIDING JUDGE TARFUSSER: Yes.

14 MR MACDONALD: -- Witness 156 for instance.

15 Q. [14:41:07] Mr Mangou, which neighbourhoods or sub-neighbourhoods in Abobo did
16 you have in mind at that time?

17 A. [14:41:21] At that time we were thinking about the entire neighbourhood situated
18 after the Abobo roundabout going towards the south, so to the south of the Abobo
19 roundabout, or further to the east of the roundabout towards Abobo-Té. We felt that we
20 could secure those neighbourhoods. And it was feasible because, you see, Abobo has
21 1,500,000 inhabitants and most of them had already left Abobo.

22 The surface area of Abobo is 10,000 hectares, some 100 square kilometres. And the
23 population density per hectare is 167 inhabitants per hectare. So it was feasible.

24 That operation, and I'm not inventing anything, it is the same operation that took place in
25 Om (phon), the same operation that was carried out when the crisis occurred in Côte

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1 d'Ivoire in 2000, at which time the French army asked us for a 48-hour window during
2 which it was able to take out the French people.

3 And then we started our war. And then they said, "Well, get on with it. Kill
4 yourselves" after they had exfiltrated their people.

5 So it was possible. What I'm saying is that we could not have been firing as long as the
6 population was in the town.

7 Q. [14:42:59] Let me interrupt you there. And I want to reassure my colleagues on the
8 Defence side that we will come back to the map which is, by the way, on our list of
9 materials at tab 550, 0092-0419. So CIV-OTP-0092-0419.

10 Could we please call up that map.

11 THE INTERPRETER: [14:43:40] Correction CIV-OTP-0092-0410.

12 MR MACDONALD: [14:43:46] (Interpretation)

13 Q. [14:43:47] And I would like that to be pulled up so that you can identify the
14 roundabout and the relevant areas that you have just alluded to, including the MACA
15 roundabout and N'Dotre.

16 THE COURT OFFICER: [14:44:03] Will it be displayed through the Prosecution bench
17 or the Registry bench since now it's possible for the Prosecution bench for annotations?
18 Thank you.

19 MR MACDONALD: [14:44:10] Could you do it for us because we can annotate? Just a
20 second.

21 (Counsel confer)

22 MR MACDONALD: [14:44:29] Please, if you could do it, if it's possible for the Registry
23 to do it from the bench? Thank you.

24 I'm going to try to guide. Now, this size, the centering is perfect. If we can just zoom in
25 now. And what is in green -- it's okay. If we can just bring it down just a tad. Okay.

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1 If you could stop here. And maybe zoom in just a little bit more. Okay.

2 Q. [14:45:49] (Interpretation) Is it possible for you to give us an approximate idea where
3 the MACA is located?

4 A. Do you see Andokoi?

5 Q. You will be given a tool which you can use to annotate.

6 PRESIDING JUDGE TARFUSSER: Can the court usher please help the witness. Thank
7 you.

8 MR MACDONALD: (Interpretation)

9 Q. I will be asking you to write "M-A-C-A" next to the location which you would have
10 identified by a dot.

11 Well, let's do a dry run which wouldn't count.

12 Well, we will be able to zoom out and then you will be able to see the entire road.

13 Mr Mangou, to the southwest of the forest you indicated a red dot. What is that?

14 THE INTERPRETER: [14:48:29] Microphone, please.

15 THE WITNESS: [14:48:32] (Interpretation) This is MACA. You see Andokoi. Then
16 there is MACA. Then there is a path that goes to the main road carrefour at the Zoo
17 neighbourhood which goes all the way to N'Dotré and then all the way to Abengourou.

18 MR MACDONALD: [14:48:47] (Interpretation)

19 Q. [14:48:48] Now we have a screenshot, and to the south-west we have MACA, and
20 then we zoom out and see more of the city, more of the north of the city, if we can. We
21 can see a road to the west of the Banco forest, going north. I think I see an arrow which
22 you annotated.

23 A. [14:49:24] Pointing to Abengourou.

24 MR MACDONALD: [14:49:29] (Interpretation) Madam court officer, can we zoom out,
25 please. Now, would it be possible to scroll up a little further north, a little further north,

1 and stop there please for now, and then zoom in. Thank you.

2 Q. [14:50:03] Do you want us to go further? Do we need to zoom in more or can this
3 scale work for you?

4 A. [14:50:14] This is fine by me for the purposes of our discussion.

5 Q. [14:50:19] Now I'll ask you to indicate. So are you able to show the Abobo
6 roundabout? Please draw a circle around the roundabout.

7 A. [14:50:50] It's here.

8 Q. [14:50:52] So you have drawn a circle. And maybe you can use another colour.

9 A. [14:51:06] The red is Abobo, for the Abobo roundabout, and then blue for
10 PK18 -- rather, N'Dotré. I need to correct this. N'Dotré. And here is PK18.

11 Q. [14:51:43] Could you identify the N'Dotré roundabout with a point?

12 A. [14:51:48] For Abengourou I'll draw an arrow.

13 Q. [14:51:51] For the N'Dotré roundabout, can you identify the roundabout by a dot?

14 A. [14:51:59] Yes. I have a dot. Is that what you are asking for?

15 Q. [14:52:03] Perfect. Yes. Can you use another colour now, maybe the green for the
16 roundabout at PK18, please.

17 A. [14:52:30] Done. You have the Abobo roundabout, you have the N'Dotré
18 roundabout and the PK18 roundabout, and with another colour, I will identify the
19 neighbourhood to be secured.

20 Q. [14:52:57] Please go ahead and indicate which neighbourhoods needed to be
21 secured.

22 Please use some slashes to identify those neighbourhoods.

23 A. [14:53:47] This is it, Mr President. So further to the west, looking at the map, that is
24 to the left, when you come further down you have MACA, N'Dotré, and the same road
25 goes all the way to Abengourou.

1 Now, further to the east, you have the Abobo roundabout and PK18. That road goes all
2 the way to Anyama. And at Anyama, one is able to link up with N'Dotré-Abengourou
3 road which leads further to Abengourou.

4 Now, from the roundabout, it is possible to secure a neighbourhood in the back where we
5 have the Abobo university, where we already have troops, and it is possible to hold a
6 significant number of people at the Abobo university. So we have the requisite
7 infrastructure for the students at the university which could be used to host the
8 population and then conduct our 48 to 72-hour operation. This is what we asked for.

9 Q. [14:55:10] The area which you have marked out with black slashes, is that the area
10 where civilians could have come into?

11 A. [14:55:23] Yes, but further down as well. Further down, yes. Much further down.

12 Q. [14:55:29] All what led to the north is what you wanted to identify as the war zone;
13 is that correct?

14 A. [14:55:38] Yes, because that's where the enemy and the population were at the same
15 time.

16 Q. [14:55:42] Now, I want to understand, you drew a circle around the Abobo-Gare
17 roundabout, is that the roundabout you wanted to circle? Is Abobo-Gare and Abobo
18 roundabout one and the same thing; is that correct?

19 A. [14:56:11] Yes, that is correct.

20 Q. [14:56:13] Please proceed.

21 A. [14:56:14] So I was explaining that I went to see the minister of defense to make the
22 suggestion to him. And when he reported to the president, President Laurent Gbagbo,
23 President Gbagbo turned down the suggestion because he said in all his speeches he had
24 been alluding to the end of war in Côte d'Ivoire and that any mention of a war zone
25 would cause the people to think that the war had not come to an end.

1 So I went to the operational centre, and before undertaking phase 2 of the operation, I had
2 to have a briefing, which is what we usually do before the start of an operation. So I said
3 that we were going to carry out the mission that the president had given us, namely, to
4 liberate the MACA-N'Dotré access or road. But I was convinced that we were going to
5 encounter the same problems.

6 I had proposed to the minister that Abobo be declared a war zone. But the request was
7 turned down. And it is from there that people started talking about these things and
8 intelligence spread until the Commando Invisible became aware of it.

9 So we therefore halted our operation and that's why General Guéï said here that we went,
10 we came back, we did a to-and-fro as if it were a counteroffensive.

11 No, no, no; he was mistaken. It was not a counteroffensive. A counteroffensive is a
12 reaction to an offensive by the enemy. But at that time the enemy was not in an offensive
13 movement.

14 The enemy was stationed and we were the ones moving towards the enemy.

15 So during the second phase of the operation, we took all necessary measures and the
16 mission assigned to us was the same mission, namely, to reconnaître the MACA-N'Dotré
17 road and the Abobo roundabout and PK18 roundabout and then make contact with the
18 enemy. That is how our troops went into action.

19 And one must say that during that second phase of the operation, they were extremely
20 cautious. But they went as far as N'Dotré and PK18. They were able to get to those
21 locations.

22 When they got there, the enemy retreated sincerely, quite sincerely. So we were already
23 at N'Dotré and at PK18. But this was late in the night, very late at night. That's when
24 we got there, very late at night.

25 So to be able to move forward, we needed more men. You see, when a unit has

1 conquered some territory, it has to maintain that territory so that additional troops are
2 brought in to patrol and watch over the troops in order to avoid any surprises from the
3 enemy. So we had a problem there, a problem of men and ammunition.
4 Well, I have talked about the ammunitions problem over and over. But now let me tell
5 you why we had an ammunitions problem. When we were at the battlefield, we
6 practically went to the battlefield empty handed. We had an AML-90 and a few
7 weapons.
8 Now, President Gbagbo himself had to resort to the French forces, who gave us a few
9 shells, but which were not effective, very old shells. So that's why we had to put a
10 weapon at Tiébissou-Bouaké, on a particular road, and it was covering a certain area, and
11 it had an observation point. That is between Tiébissou and the bridge.
12 So we were at that position up until 2003, when the weapons arrived. We were able to,
13 at that time, obtain some ammunition and some weapons. We even had some tanks,
14 tanks, war tanks, that's what I'm talking about, from Russia, which were as huge as you
15 wouldn't believe.
16 We even had MIG aircraft which upon takeoff were already at the borders of
17 neighbouring countries. But unfortunately when it comes to landing, their parachutes
18 would come down and our men would not familiar with this.
19 Now, what is very touching is that when we received this material, it was bought by
20 civilians who thought that it was proper to buy weapons without ammunition and to buy
21 ammunition without the weapons. The tanks were in Abidjan. These were tanks that
22 could not be taken to the battlefield, because they were not mobile as such by themselves.
23 Otherwise, they would have destroyed the entire -- all the tarmac roads.
24 They needed to be transported by other vehicles, which we did not have. And, you see,
25 the civilians did not own such transportation facilities as well.

1 So it was extremely difficult for us to proceed in this manner. The various units were
2 disorganised. You see, immediately after the attack, Côte d'Ivoire had just experienced
3 several mutinies and a coup d'état. So weapons and ammunition had disappeared and
4 staff was disorganised. Signalling and transmission facilities were not in place, and even
5 if we had them, how were you going to expect that a soldier who had been trained and
6 who may not even have been trained, how would you expect them to decipher Russian
7 alphabet?

8 So this is the situation. To be able to share anything, we had to call the pilots and brief
9 them and give them the coordinates of the target and ask the pilots of the MIG-24 to pass
10 over the position of our men so that they can understand that they're out on a mission and
11 that, upon their return, they should fly over them again and sway to indicate that the
12 mission was over.

13 So this is the situation we had.

14 Q. [15:03:36] Let us come back to the mission, that is the offensive in question, because
15 you are talking about how the aircraft was flying and hit the target. But we all know that
16 the aircraft was not involved at that date.

17 Mr President, I can see that my learned friend is on his feet.

18 PRESIDING JUDGE TARFUSSER: [15:04:14] I see it as well. Maître Gbougnon.

19 MR GBOUGNON: [15:04:17] (Interpretation) Mr President, as said yesterday and even
20 today, the witness is talking about signalling or transmission problems. And the OTP
21 knows that one of -- that is one of the most crucial points. And every time he wants to
22 talk about it, the witness is interrupted. This has happened two or three times already.
23 I think it is not fair. If the witness raises an issue, he should be allowed to finish. This is
24 the second time that he is being interrupted on the same facts. So I think he should be
25 allowed to complete his testimony on the issues of signalling and transmissions that they

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1 experienced.

2 PRESIDING JUDGE TARFUSSER: [15:05:17] And this is the third time that you are
3 saying the same thing.

4 And I'm, the third time, saying that the witness will, has all the time and the capacity and
5 the will to say what he wants to know.

6 I think the Prosecutor, if he stops the witness in order to make a question which is
7 somehow related to what he's saying, he can do it.

8 And third thing I will say, that you will have time to question the witness, so in case there
9 is something missing, you have the opportunity to question the witness on this.

10 Mr Prosecutor, please go ahead.

11 MR MACDONALD: [15:05:59] Thank you, your Honour.

12 Q. [15:06:02] (Interpretation) Let us remain during the period of the second offensive,
13 that is we are talking about the night roundabout at these two positions. So what
14 happened?

15 A. [15:06:32] What happened is that normally the unit had to retake the position, but
16 because of a certain number of factors, they couldn't. That is why I was explaining that
17 there were problems of weapons and ammunition.

18 The first ammunition, we received them in 2013.

19 Q. [15:07:00] Do you mean 2003?

20 A. [15:07:02] Yes. I'm sorry. From 2003 to 2013, we had many attacks. We were
21 attacked in Anyama, at Noé, at camp Akouédo, at Abengourou, Agboville. And during
22 an entire day in October, I believe policemen and gendarmes in Yopougon, Toits Rouges
23 were shooting at each other because of a problem amongst them in a bar.

24 In the army when you spend ammunition, you have to replace it. And in this case we
25 could not have ammunition because we were under embargo.

1 So there was no longer any ammunition left. There was a shortage of ammunition.
2 And that is why we had to -- when we had to provide security for the process, we were
3 asked for 8,000, and I said, "Mr President, we are being asked to provide, myself 4,000,
4 Bakayoko 4,000." I told them, "Look, we don't have the resources."
5 And Mr Gbagbo said, "You can take sticks and maintain law and order. And even if I
6 have 4,000 ammunitions, the rest have no weapons."
7 And we were told that you don't need Kalashnikovs, you need PAs. An officer went to
8 the US to buy PAs. He was blocked by the Americans and he stayed there. So because
9 of that we did not have any ammunition. And it was a heavy burden on us.
10 The second problem that we had was a problem of personnel. And during a mission like
11 that, when you conquered two locations, you will have people stay there to secure the
12 positions while the others advance. So we didn't have the men.
13 And then the second problem relating to the soldiers was that they were not motivated.
14 They already knew the results of the elections, and they did not want to fight.
15 Others were disappointed by the statements of the president when in 2007 rumours
16 circulated that each soldier on the war front will be received 6 million francs from the
17 president.
18 The president summoned the commanders -- the soldiers in front of their commanders
19 and allowed the soldiers to ask what they wanted in front of their commanders.
20 When I took the floor, I said "I am not a mercenary." I was fighting for the state. And if
21 the state wanted to do something for us, they should award us medals. But I will never
22 ask for money.
23 My soldiers booed me in front of the president of the republic. The same evening when I
24 left, I called the president, I asked to meet with him, he accepted. I came. And I told
25 him, "I have come here to resign."

1 And he said, "No, this is not the time."

2 So the men were discouraged by the statements of the president who said "If you don't
3 win this war, I don't have anything to give you."

4 So this totally demotivated the troops. So given this problem, the problem of
5 demotivation, the problem of arms and ammunition, I instructed General Deto to ask the
6 elements to retreat from their positions and return to the Camp Commando.

7 Those who were N'Dotré went back to MACA. Those who were at PK18, instead of
8 going to Abobo roundabout, went back to Camp Commando.

9 So ever since the phase of the second offensive, the soldiers stayed on the spot right up to
10 the month of March 2011. So they were in Camp Commando, they were being attacked
11 and then they would retaliate.

12 So we did not want to leave and give the impression to the population that they had been
13 abandoned. So that is why we left those men there.

14 So I would like to seize this opportunity to apologise to the people of Abobo, because we
15 were not able to do anything, and to apologise, ask for forgiveness from the people of
16 Anonkoua, because we could not do anything. We were informed, but we did not have
17 the resources to do anything for them.

18 And if we couldn't do anything, it was because we did not have the means at all. We did
19 not have ammunition. And we could not announce that publicly.

20 Q. [15:13:07] Mr Mangou, I'm sorry to interrupt you, but you have to clarify certain
21 points before we go too far. So after this second operation on the same two roads, on
22 which date did that operation take place? You said that you were summoned on the next
23 day, the 25th. So the next day?

24 A. [15:13:55] Yes, the next day we left.

25 Q. [15:14:01] And when did the troops return to the camp, to the barracks? Was it on

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1 the 25th or the 26th?

2 A. [15:14:14] The retreat started on the 20th, up to the 26th. We did not leave at the
3 same time.

4 Q. [15:14:22] Please listen to my question. This second offensive on the 25th, you
5 advanced to N'Dotr  and PK18. You have just said that the troops at PK18 did not stay
6 there.

7 A. [15:14:43] No.

8 Q. [15:14:43] They returned to Camp Commando?

9 A. [15:14:46] Yes.

10 Q. [15:14:48] Which date?

11 A. [15:14:50] The same evening.

12 Q. [15:14:51] On the 25th?

13 A. [15:14:53] Yes.

14 Q. [15:14:54] Very well. And from that date, and from that date on they stayed in
15 Camp Commando?

16 A. [15:15:03] Yes, they stayed in Camp Commando.

17 Q. [15:15:08] Who was in the field leading the troops on the MACA-N'Dotr  road and
18 who led the troops from Abobo to PK18?

19 A. [15:15:31] I'm not able to give you any names. I know that several commanders
20 replaced each other, but when it came to MACA, it was Toaly. But on the other road, I
21 cannot remember. Maybe General Letho can remember.

22 Q. [15:15:54] If I put it to you Doumbia?

23 A. [15:15:56] No, it was not Doumbia. He was commander when they were in Camp
24 Commando, but he was not the one there on the road. For those who were in Camp
25 Commando there was Doumbia, there was Gnawa Dabl , Niamk . But many of them

1 passed through there because they succeeded each other.

2 Q. [15:16:34] We are talking about the commanders leading operations on the two
3 roads on the 25th, and then the commanders who were responsible for the troops in Camp
4 Commando as from the 25th. That is what we are talking about; is that correct?

5 A. [15:16:52] Yes.

6 Q. [15:16:52] Very well. Mr Mangou, I would like to come back to a point of
7 clarification. I asked a question this morning about the date on which you had this
8 meeting, this discussion with the minister to declare Abobo a war zone. Unfortunately, I
9 don't have the references. I have the timestamp, but not the page. And I'm going to
10 read 9.34. We can look for the page. This was this morning, page 2, lines 4 to 18. Let
11 me tell you your answer:

12 "The meeting with Minister Alain Dogou took place on 23rd of February. That is on the
13 eve of the second offensive."

14 Just to be certain to give you the opportunity to clarify, was this before or after your
15 meeting with the president and the generals, where you used the map?

16 A. [15:18:59] It was after the meeting at the presidency of the republic. So if it is 23rd,
17 there must be an error of dates.

18 Q. [15:19:11] So it was on the same day with your meeting with the president and the
19 generals, that is, the 24th?

20 A. [15:19:19] Yes.

21 Q. [15:19:23] I also want to come back to this meeting that you had with the president
22 and the generals. When the president and generals and the two ministers that you
23 mentioned were present, was there a discussion about discussing Abobo a war zone?

24 A. [15:19:59] No, the issue was not even raised.

25 Q. [15:20:04] The reason why I'm putting this question, you have followed the debates,

1 the testimonies and what Mr Kassaraté said on that issue.

2 A. [15:20:17] No. We did not discuss that point. And I mentioned it here because
3 General Guiai Bi Poin said that it was part of the planning. He even said that it was an
4 idea of the president. We discussed it at the operational centre. But the CEMA did not
5 want it. But that is not what happened.

6 Yesterday, I said that the idea to declare Abobo a war zone was an idea proposed by me.
7 It was not part of any planning. It was not the idea of the president.

8 When I received the order to liberate N'Dotré-Abobo road, I told myself, we had many
9 difficulties the first time. We need to avoid these difficulties. So I'm the one who went
10 and I saw the minister to make that proposal to him; otherwise, there was no planning
11 about it and it was not discussed at the operational centre. I don't know whether he was
12 sleeping or he was at home. I don't understand how he can talk about war zones.

13 Q. [15:21:41] Amongst the FDS generals, including your colleague of the gendarmerie,
14 the DGPN or the FANCI forces, did you discuss this matter amongst yourselves?

15 A. [15:22:13] No, we did not discuss it. It was when the minister gave me the answer
16 of the president of the republic, I went to the operational centre, and I said, "Well, we are
17 going to take up the second phase of the operation after the instructions of the president
18 of the republic." I did not want the same errors as during the first phase. And I told him
19 that I proposed to the president that Abobo should be a war zone, but the president
20 refused.

21 And so we should continue with the operation. And so people took that information and
22 circulated it everywhere. But this was not discussed or planned. I know that Guiai Bi
23 told you that it was discussed, but it is not correct, we did not discuss it.

24 Q. [15:23:14] So as to better understand the testimony, you had the president, the
25 minister of defence and yourself, those were the only three people who were witnesses to

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1 that request?

2 A. [15:23:33] No. The president was not there. We had finished our meeting. We
3 left the presidency and I followed the minister, and I went and made the proposal to him
4 because we had to begin the operation the next day.
5 So the president was not present.

6 Q. [15:23:57] And he phoned the president in your presence?

7 A. [15:24:04] He informed me that the president had said no.

8 Q. [15:24:12] Very well. I would now like to discuss the legal framework.

9 PRESIDING JUDGE TARFUSSER: [15:24:29] Before you do this.

10 MR MACDONALD: [15:24:30] Yes.

11 PRESIDING JUDGE TARFUSSER: [15:24:31] Before you do this, I would like Mr
12 Mangou to comment on a document which is part of the record.

13 And I would ask the court officer to call up CIV-OTP-0045-0359.

14 MR MACDONALD: [15:24:51] I will get to all of that, your Honour.

15 PRESIDING JUDGE TARFUSSER: [15:24:54] Yes. But this is on the guerre. We are
16 talking about this.

17 MR MACDONALD: [15:24:59] Yes.

18 PRESIDING JUDGE TARFUSSER: [15:24:59] Now you're going to another topic.

19 MR MACDONALD: [15:25:01] No, no. I'm going to come back to that. I guarantee
20 you, your Honour.

21 PRESIDING JUDGE TARFUSSER: [15:25:06] I would like him to --

22 MR MACDONALD: [15:25:08] Okay.

23 PRESIDING JUDGE TARFUSSER: [15:25:23] Can you see this document?

24 THE WITNESS: [15:25:27] (Interpretation) Yes, I can see it. But if they can scroll
25 down to the bottom so that I should see it.

- 1 PRESIDING JUDGE TARFUSSER: [15:25:37] We will, yes.
- 2 MR MACDONALD: [15:25:39] If you allow me, I think I have it right here actually.
- 3 PRESIDING JUDGE TARFUSSER: [15:25:52] Also maybe take out ...
- 4 MR MACDONALD: [15:26:02] 0045-0359, right? Yes, I have it here.
- 5 PRESIDING JUDGE TARFUSSER: [15:26:07] Yes. Can you give the paper copy to the
- 6 witness, please, court usher.
- 7 Yes, please, that's what I ask you, to read it, to tell me if you have ever seen it, and to
- 8 comment on it whatever you deem appropriate.
- 9 THE WITNESS: [15:27:23] (Interpretation) Thank you, Mr President. I have now seen
- 10 the document. It's not a serious document when you just look at the form or the format.
- 11 It is said "BQI, daily information bulletin." And from the chief of police, that is
- 12 surprising. He wants to show that he's informed. But the information he's giving is
- 13 incorrect.
- 14 You can see that on 12 January 2011, it was still the police in the field. They arrived there
- 15 on the 11th and left only on 21 February.
- 16 Secondly, in the information that he gives, he states that the FANCI will take control of
- 17 operations with the support of the police and the gendarmerie. But that is not how
- 18 people manoeuvre. You see the gendarmerie, you see the army, and the police and the
- 19 gendarmes following them. It is the contrary.
- 20 In operations, if there has to be support, the first and second category forces are in front,
- 21 and the army, which have heavier resources is behind; they support the police.
- 22 So this is not a serious document, Mr President. The information provided there is not
- 23 correct.
- 24 PRESIDING JUDGE TARFUSSER: [15:29:15] So you have never seen it?
- 25 THE WITNESS: [15:29:20] (Interpretation) I have just seen it right now.

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1 PRESIDING JUDGE TARFUSSER: [15:29:23] And do you know the person who signed
2 it?

3 THE WITNESS: [15:29:30] (Interpretation) No, Mr President.

4 PRESIDING JUDGE TARFUSSER: [15:29:33] Okay. Thank you very much.
5 Floor is to the Prosecutor.

6 MR MACDONALD: [15:29:40] Thank you, your Honour.

7 Q. [15:29:43] (Interpretation) We can set this document aside and we will revisit it
8 later.

9 Let us come back to the legal framework. At the time of the operations of 23 February or
10 of 25 February, what legal framework were you in at that time?

11 A. [15:30:48] The forces had been requisitioned, and so we were acting pursuant to that
12 requisition. If there had not been a requisition, I would never have deployed the army.
13 We were acting pursuant to a requisition.

14 Q. [15:31:05] Which decree applies in those circumstances?

15 A. [15:31:09] I don't know the number of the decree, but a requisition was issued by
16 presidential decree from the president of the republic, asking us to intervene throughout
17 Abidjan.

18 Q. [15:31:29] That decree, what previous decree does it refer to in relation to the
19 requisition?

20 A. [15:31:45] There was a decree ordering us to work with our brothers of Forces
21 Nouvelles, decree 2007 of 14 March 2007, yes, that decree instituting the CCI, which
22 stipulates that we must provide security for the process.

23 So the requisition decree is a follow-up and a further strengthening of that previous
24 decree, because as I've already underscored, the electoral process starts from the
25 campaign all the way to the announcement of the results, and that's what needed to be

1 secured. So we received a requisition to be deployed throughout Abidjan and that
2 reinforces that previous disposition.

3 Q. [15:32:39] My next question is as follows: Are you familiar with decree number
4 67332 of 1 August 1967 organising the armed forces in their law enforcement capacity?
5 I'm referring here to document CIV-D15-0001-6219, at tab 50, if I'm not mistaken. We
6 have a hard copy. We have a hard copy as received. The decree title was highlighted as
7 my colleagues can see.

8 So madam court usher, could a copy of this be handed to the witness? Thank you.

9 I invite you to now look at the hard copy.

10 It's a public document. Please take your time and read through it.

11 (Speaks English) Can I make an unusual request maybe? Because I'm looking at the time.

12 I know there is 25 minutes left. It's a lengthy document for a witness to read on the stand.

13 One option is to suspend now and come back tomorrow. I will be within the time.

14 PRESIDING JUDGE TARFUSSER: [15:35:43] Second option?

15 MR MACDONALD: [15:35:45] Huh?

16 PRESIDING JUDGE TARFUSSER: [15:35:46] Second option, meaning that he reads it
17 overnight and then --

18 MR MACDONALD: [15:35:48] That's right.

19 PRESIDING JUDGE TARFUSSER: [15:35:49] Yes.

20 MR MACDONALD: [15:35:52] Sorry. Yes. The first option is that we suspend, come
21 back tomorrow morning 9.30.

22 PRESIDING JUDGE TARFUSSER: [15:35:57] Second option?

23 MR MACDONALD: [15:35:58] Second option is that we wait and he reads it.

24 PRESIDING JUDGE TARFUSSER: [15:36:04] No, we continue, then he reads it overnight
25 and you continue with this tomorrow.

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1 MR MACDONALD: [15:36:14] (Interpretation) I will put the questions without the
2 witness having read, having --

3 Q. [15:36:32] Mr Mangou, I'm going to interrupt your reading. Have you seen this
4 document before?

5 A. [15:36:36] No, never.

6 Q. [15:36:37] Never?

7 A. [15:36:38] Never.

8 Q. [15:36:40] The reason I put this question to you is because, and please could we now
9 take this document off the screen and put up the document or the decree of 14 November
10 2010. And with your leave, I would be able to give you the ERN in a moment. So it's
11 CIV-OTP-0018-0047, tab 86. And more specifically, I think it's at page 48.

12 Can we go to page 0048, please, and look at decree 2010-306 to the right.

13 (Speaks English) Can we just bring it down, please. Yes. Down, down, down, down,
14 down. Okay. Thank you.

15 (Interpretation) This is the decree you just referred to in relation to the CCI, the FANCI
16 requisitioned, and there is reference here as well to the 1967 decree relating to the
17 participation of armed forces in law enforcement.

18 That is why I asked you whether you had seen this decree previously.

19 A. [15:39:16] No, I have not seen that decree.

20 Q. [15:39:20] So, Mr Mangou, you never saw the 1967 decree?

21 A. [15:39:30] No.

22 Q. [15:39:31] Very well. What were the applicable rules when an army is requisitioned
23 in circumstances where there is no declaration of war, where no area has been declared to
24 be a war zone, what rules are you supposed to uphold pursuant to the applicable rules
25 enforceable in Côte d'Ivoire at the time?

1 A. [15:40:07] I don't know whether this decree is still current. It was a decree of 1967,
2 the year in which Côte d'Ivoire became independent. The context was different.
3 President Houphouët wanted a small well-trained well-equipped army. And here
4 reference is made to law enforcement or maintenance of order.
5 Now, there is also a part of the decree which refers to military authorities. But what we
6 learned is that it is not the role of the army to enforce law and order. Matters pertaining
7 to law and order enforcement lie with the first and second category forces.
8 However, when a requisition is issued, the army is bound to come to the support of those
9 forces. What happened then is that we received a requisition from the president of the
10 republic.

11 Q. [15:41:19] Mr Mangou, the requisition, one, of 14 November and the second of 5
12 January, according to you, 2011; correct?

13 A. [15:41:35] Yes, correct.

14 Q. [15:41:37] Now, the requisition of 5 January 2011, for how long was it in force, up
15 until what date, was it ever revoked any time during the crisis?

16 A. [15:41:52] That requisition was issued so that we could secure Abidjan and deal with
17 the problem that arose in Abobo.

18 Q. [15:42:02] When did the requisition of 5 January 2011 come to an end?

19 A. [15:42:07] From the time we accomplished our mission and withdrew our troops. It
20 put an end to the requisition.

21 Q. [15:42:16] What was the date?

22 A. [15:42:17] The troops are withdrawn on 20 March 2011.

23 Q. [15:42:25] So whether it's 20 March or 28 March or April, according to you, the
24 requisition was in force till 20 March; is that correct?

25 A. [15:42:41] Yes. I say so because in a requisition the purpose of the requisition is

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1 mentioned. And as soon as that mission is finished, then you must consider that the
2 requisition lapses.

3 Q. [15:42:56] Still relating to the 1967 decree and the legal situation in which you were, I
4 want to call up video CIV-OTP-0061-0567. There is a transcript, a corresponding
5 transcript CIV-OTP-0094-0349. From minute 00 to minute 2.50. I have a hard copy of
6 the transcript for the interpreters if they don't have a copy, which should be in tab 360, tab
7 360. It is a two-page document. The transcript of the video is at tab 566, tab 566 for the
8 transcript.

9 PRESIDING JUDGE TARFUSSER: [15:44:43] Let's bring it up, otherwise we lose a lot of
10 time.

11 MR MACDONALD: [15:44:53] Evidence 2.

12 PRESIDING JUDGE TARFUSSER: [15:45:01] Can you give the hard copy of the
13 transcript. Thank you. The hard copy is arriving.

14 Ready? Okay. Let's go.

15 (Viewing of the video excerpt)

16 THE INTERPRETER: [15:45:44] (Interpretation of the video excerpt)

17 Interpreter sight translates:

18 Good evening, ladies and gentlemen. Welcome to this programme at 20 p.m. I want to
19 read out to you decree number 2011-81 of 11 March 2011 to institute a curfew in Abobo
20 and Anyama communes.

21 The president of the republic, mindful of the constitution, the law, mindful of law number
22 60-209 of 27 July 1960, creating the national armed forces; mindful of law number 61-209
23 of 12 June 1961, organising the Defence forces and the national armed forces; mindful of
24 decree number 67-332 of 1 August 1967 on the participation of the armed forces in law
25 enforcement; mindful of law number 2010-309 of 5 December 2010, appointing the prime

1 minister; mindful of decree number 2010-312 of 6 December 2010, appointing members of
2 the government; mindful of decree number 2011-61 of 23 February 2011 on the portfolios
3 of government members; mindful of the emergency decrees, as follows:

4 Article 1: A curfew is henceforth instituted in the Abobo and Anyama communes from
5 Friday, 11 March 2011, to Thursday, 17 March 2011 as follows from 9 p.m. 00 to 6 a.m. 00.

6 Article 2: Any provisions that run counter to this are hereby abrogated.

7 Article 3: The minister of interior and minister of defence each in their capacity are
8 charged with implementing this decree, which will be published according to the
9 procedure of emergency and published in the Official Gazette of the Republic of Côte
10 d'Ivoire.

11 Done in Abidjan, 11 March 2011.

12 The 200 --

13 MR MACDONALD: [15:48:42] (Interpretation) Stop there, please.

14 Q. [15:48:52] First question on that excerpt: Have you already seen it? Have you
15 seen it previously? Did you see this decree being read to institute a curfew?

16 A. [15:49:22] Yes.

17 Q. [15:49:25] Is there reference therein to any manner of requisition whatsoever of the
18 14 November 2010 to 5 January 2011?

19 A. [15:49:51] Well, this is a communiqué whereby the communiqué is informed about
20 an impending curfew. The articles that were mentioned are part of the preamble, and
21 that is how these communiqués are drafted to decree a curfew.

22 Now, in this preamble, the various considerations are selected based on a number of
23 criteria. But here the idea is to announce a curfew.

24 Q. [15:50:31] Very well. So you had this meeting on 5 January. And I would now
25 like to show you another video. Please give me a moment to cross-check.

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- 1 (Speaks English) I'm sorry, your Honour, just a second. We're trying to track.
2 Sorry, I'll speak in English. I would like now to call, the transcript is the following,
3 CIV-OTP-0087-0644. And the associated video with that is --
4 THE COURT OFFICER: [15:52:36] Tab number 530 for the interpreters.
5 THE INTERPRETER: [15:52:39] Thank you.
6 MR MACDONALD: [15:52:50] And the video is CIV-OTP-0074-0079, which is at tab 465.
7 And we are playing from the minutes 25.36 to 28.30. And it is a message of 18 February
8 2011.
9 Do the interpreters have a copy?
10 THE INTERPRETER: [15:53:32] Yes, we do.
11 THE COURT OFFICER: [15:53:35] They just confirmed they have a copy.
12 PRESIDING JUDGE TARFUSSER: [15:53:38] Yes.
13 MR MACDONALD: [15:53:38] Perfect.
14 THE COURT OFFICER: [15:53:39] And for your information, the video is currently
15 loading.
16 MR MACDONALD: [15:55:38] While we're sorting this out, your Honour, I just want to
17 inform you that it has been impossible for the OTP to play any videos from our desks and
18 that we're, well, one, sorry about this, but, second, it has an impact obviously on the
19 presentation or the questioning, sorry, and if that issue could be resolved for tomorrow
20 morning, because then it becomes difficult to have a flow.
21 PRESIDING JUDGE TARFUSSER: [15:56:10] We will try to, we will try to do our best.
22 MR MACDONALD: [15:56:15] Thank you. I know that the technical people have been
23 trying to resolve the issue.
24 PRESIDING JUDGE TARFUSSER: [15:56:18] They have not, but they will work during
25 the whole night to do that.

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- 1 MR MACDONALD: [15:56:23] Thank you, especially after a year and a half that we're in
2 this courtroom.
- 3 PRESIDING JUDGE TARFUSSER: [15:56:27] Yes, yes, after two years that we are in this
4 court. Are we ready or not?
- 5 MR MACDONALD: [15:56:40] Can I propose --
- 6 PRESIDING JUDGE TARFUSSER: [15:56:42] We have 10 seconds over. It starts at 25.46
7 now instead of 25.30 something, 36.
- 8 THE COURT OFFICER: [15:56:55] The problem currently we are facing, another
9 technical problem is that it's frozen from the registry bench.
- 10 PRESIDING JUDGE TARFUSSER: Yes, but --
- 11 THE COURT OFFICER: So we're unable to play the video right now unfortunately.
- 12 PRESIDING JUDGE TARFUSSER: [15:57:04] This is really frustrating, I must say. We
13 have continuously technical issues.
- 14 MR MACDONALD: [15:57:12] Your Honour, I understand also that it's almost 4 o'clock.
- 15 PRESIDING JUDGE TARFUSSER: [15:57:16] Yes.
- 16 MR MACDONALD: [15:57:16] In light of this, can I recommend --
- 17 PRESIDING JUDGE TARFUSSER: [15:57:18] No. We stop here.
- 18 MR MACDONALD: [15:57:19] That's right.
- 19 PRESIDING JUDGE TARFUSSER: [15:57:21] We stop here now. We will work in order
20 to get this fixed. We stop here this session for today. We will see each other again
21 tomorrow morning at 9.30 for the third day of questioning. Thank you very much.
22 Thank you also to you, Mr Mangou.
- 23 The hearing is adjourned to tomorrow morning 9.30.
- 24 THE COURT USHER: [15:57:49] All rise.
- 25 (The hearing ends in open session at 3.57 p.m.)